

CONFIDENTIAL

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO

OHIO A. PHILIP RANDOLPH INSTITUTE, )

et al., )

Plaintiffs, )

vs. ) Case No.

) 1:18-CV-00357-TSB

RYAN SMITH, Speaker of the ) -KNM-MHW

Ohio House of Representatives, )

et al., )

Defendants. )

\*\* REVISED \*\*

Wednesday, December 19, 2018

Baker & Hostetler

200 Civic Center Drive

Columbus, Ohio 43215

\*\* CONFIDENTIAL \*\*

DEPOSITION OF STEVEN STIVERS

Jackie Olexa White

Registered Merit Reporter

Job no. 149805

CONFIDENTIAL

Page 2

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A P P E A R A N C E S

REPRESENTING THE PLAINTIFFS, AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION:

T. THOMAS-LUNDBORG, Esq.  
125 Broad Street  
New York, New York, 10004

REPRESENTING THE DEFENDANTS:

ANN YACKSHAW, Esq. (Via phone)  
Associate Assistant Attorney General  
Constitutional Offices  
30 East Broad Street  
Columbus, Ohio 43215

REPRESENTING STEVEN STIVERS:

ROBERT TUCKER, ESQ.  
Baker & Hostetler  
200 Civic Center Drive  
Columbus, Ohio 43215

CONFIDENTIAL

Page 3

INDEX

Examination by	Page
Ms. Thomas	6
Mr. Tucker	128
Plaintiff's Exhibits	Page
Exhibit 1 Amended Notice of Depo	10
Exhibit 2 First Request for Production of documents	12
Exhibit 3 Email Dated 11/17/10	21
Exhibit 4 Email dated 1/8/11	29
Exhibit 5 Email dated 3/22/11	31
Exhibit 6 Email dated 1/13/11	32
Exhibit 7 Series of Emails	35
Exhibit 8 Email dated 6/1/11	39
Exhibit 9 Email dated 8/15/11 with attachment	42
Exhibit 10 Email dated 8/30/11	45
Exhibit 11 Email dated 9/10/11	49
Exhibit 12 Email dated 9/10/11 w/map attachments	58
Exhibit 13 Email dated 9/17/11	62
Exhibit 14 Email dated 10/02/11	64
Exhibit 15 Email dated 11/02/11	67
Exhibit 16 Email dated 12/07/11 w/attachments	69
Exhibit 17 Email dated 12/12/11	71
Exhibit 18 Email dated 3/02/12	73

CONFIDENTIAL

Page 4

1		
2		
	Exhibit 20 Email dated 12/13/11 w/attachment	83
3	Exhibit 21 Columbus Dispatch article	86
4	Exhibit 22 2002-2012 Congressional Map	88
5	Exhibit 23 Color Map	89
6	Exhibit 24 Color Map	96
7	Exhibit 25 Color Map	96
8	Exhibit 26 Color Map	96
9	Exhibit 27 Color Map	96
10	Exhibit 28 Motion	101
11	Exhibit 29 Memorandum in support of motion	101
12	Exhibit 30 Reply in Further support of motion	101
13	Exhibit 31 LexisNexis document	116
14	Exhibit 32 Three-page article	116

- - -

CONFIDENTIAL

Page 5

STEVEN STIVERS

Wednesday Morning Session

December 19, 2018

9:00 a.m.

- - - - -

STIPULATIONS

- - - - -

It is stipulated by and between counsel for the respective parties that the deposition of STEVEN STIVERS, a witness herein, called by the plaintiff under the statute, may be taken at this time and reduced to writing in stenotypy by the Notary, whose notes may then after be transcribed out of the presence of the witness; that proof of the official character and qualification of the Notary is waived; that the examination, reading and signature of the said STEVEN STIVERS to the transcript of his deposition are not waived by counsel and the witness.

- - - - -

CONFIDENTIAL

Page 6

STEVEN STIVERS

STEVEN STIVERS

being first duly sworn, as hereinafter certified,  
testifies and says as follows:

CROSS-EXAMINATION

BY MS. THOMAS:

Q. Good morning. Could you please state your  
full name for the record?

A. My name is Steve, S T E V E, Stivers,  
S T I V E R S.

Q. Okay. You understand you're under oath  
today?

A. I do.

Q. My name is Alora Thomas, and I represent  
the plaintiffs in this case.

A. Good morning.

MS. THOMAS: Sorry. Can we go off the  
record.

(Off the record.)

MS. THOMAS: So I'll have the attorney in  
the room and the attorney on the phone introduce  
themselves.

MR. TUCKER: Sure. Rob Tucker, Baker  
Hostetler on behalf of Representative Stivers. I  
just want to designate for the record Representative

CONFIDENTIAL

Page 7

STEVEN STIVERS

Stivers' testimony today is confidential information under the protective order that has been entered in this case.

MS. THOMAS: And our position as plaintiffs is while some of Representative Stivers' testimony may be confidential, all of his testimony should not be. And so we would like to reserve our objection to the full testimony being marked confidential, but we'll treat it as such until we resolve that issue.

MR. TUCKER: Okay.

MS. YACKSHAW: On the phone is Ann Yackshaw for the Ohio attorney general on behalf of the defendants.

MR. TUCKER: Has anybody else joined on the phone?

(No response.)

Q. Okay. Now that we have introductions out of the way, have you ever been deposed before?

A. I have not, Mrs. Thomas. Is that how I should refer to you?

Q. You can just call me Alora.

A. Okay, alora, yes, ma'am.

Q. So I'm going to go over over some ground

CONFIDENTIAL

Page 8

STEVEN STIVERS

rules regarding depositions. I think it's going to be fairly clear. So the record is clear, it's important that you give an oral answer.

A. Can't shake my head.

Q. So no nodding of the head. You need to say yes or no. No shaking heads. Also, um-hum, please say yes or no.

A. Use words, got the it.

Q. Use words that can be on the transcript.

If you don't understand a question or hear a question, please ask me to repeat it. I'm happy to do so. I can also rephrase a question if it's not clear to you what the question is.

A. Thank you.

Q. Your attorney and possibly the attorney on the phone will be making objections during the deposition. Unless you're instructed not to answer, even if there is an objection, you're expected to answer the question. Is that understood?

A. It is.

Q. Great. We'll be taking regular breaks.

A. I don't need many breaks, I'm pretty good. But whatever you want to do, I'm good.

Q. If you need a break at any point, when I



STEVEN STIVERS

haven't called for a break, just feel free to let me know. The only rule is no breaks while a question is pending.

A. Got it.

Q. You'll stay under oath throughout the day. We'll go on break, we'll come back from the break, and you'll still be under oath. Is there any reason why you can't testify truthfully today?

A. No.

Q. Are you taking any medications that would affect your ability to testify?

A. I did take Mucinex D, but I don't think that should affect me. I think I'm good.

Q. Okay. Great. Throughout this deposition I'm going to refer to the Ohio redistricting that occurred in 2011. Unless I specify otherwise, when I refer to Ohio redistricting, I'm referring to the 2011 redistricting process.

A. Yes.

Q. Do you understand you're an intervenor in this case?

A. I do.

Q. And as an intervenor you're a party to this case; do you understand that?

CONFIDENTIAL

Page 10

1 STEVEN STIVERS

2 A. I do, and I feel like I have an interest  
3 in the case.

4 Q. And you're here to be deposed today. You  
5 understand that?

6 A. Yes, ma'am.

7 MS. THOMAS: I'll just mark for the record  
8 Exhibit Exhibit No. 1.

9 (Exhibit 1 was marked for identification.)

10 Q. So for the record, I've handed you the  
11 Notice of Deposition -- Amended Notice of Deposition  
12 for your deposition. And since you're a party,  
13 you've been noticed for deposition rather than  
14 subpoena.

15 A. Yes, ma'am.

16 Q. Okay. Did you do anything to prepare for  
17 today's deposition?

18 A. I met with counsel.

19 Q. Okay. And when was that?

20 A. Yesterday.

21 Q. For how long?

22 A. I don't know. A couple hours.

23 Q. Okay. Was anyone else there?

24 A. The attorneys from Baker & Hostetler.

25 Q. Okay. Have you reviewed the complaint in

CONFIDENTIAL

Page 11

1 STEVEN STIVERS

2 this case?

3 A. I've not read the whole complaint, but  
4 I've been briefed on the complaint.

5 Q. Okay. And have you reviewed the papers to  
6 intervene in this case?

7 A. I know that we talked about it. And I  
8 didn't read every word, but I know we had a  
9 conversation about why we had an interest in the  
10 case, why we wanted to intervene. And I said I  
11 wanted to intervene. So, yes, I'm familiar with it,  
12 but it's not fair to say that I read every word.

13 Q. Okay. Fair enough. Did you review the  
14 documents subpoena in this case?

15 MR. TUCKER: Objection.

16 MS. THOMAS: Subpoena for his documents?

17 MR. TUCKER: I don't think there was a  
18 subpoena for his documents.

19 MS. THOMAS: Sorry, the document request.

20 A. Yes. And I turned all my -- I did, yes.

21 Q. Okay. Before I actually get to that, when  
22 you were meeting with counsel, did you review  
23 documents?

24 A. We looked at some documents, yes.

25 Q. Which document did you look at?

CONFIDENTIAL

Page 12

STEVEN STIVERS

MR. TUCKER: Hold on, Steve. I'm going to object and instruct the witness not to answer what specific documents were reviewed during the preparation meeting with counsel as protected by work product.

MS. THOMAS: Were any documents -- well, we'll get to that.

(Exhibit 2 was marked for identification.)

Q. I've just had marked as Exhibit 2 for the record Plaintiff's First Request for Production of Documents to intervenor Steve Stivers. Have you seen this document before?

A. I have.

Q. And in this document it requests documents related to the Ohio redistricting and generally red map. What did you do to collect documents pursuant to this document request?

A. I gave all my email passwords to -- my two emails to the attorneys, and they went through all the emails themselves. I didn't do it myself. I let them do it, because I wanted them to have total access to look for anything they wanted to. That way they could certify it was done according to the request and not just me self-certifying. They did

CONFIDENTIAL

Page 13

1 STEVEN STIVERS

2 all of it. I gave them my passwords and then have  
3 changed my passwords.

4 Q. Fair enough. You said you gave your two  
5 email accounts, what are those?

6 A. StiversS@AOL.com, which is an old email  
7 that I don't use, and I don't even know if there was  
8 anything that came out of that. I just don't  
9 remember, but I gave them that, because it was one  
10 that I have used in the past. But I transitioned to  
11 an email account, which was SteveStivers1@Gmail, and  
12 I transitioned to that in like 2009. So that's my  
13 personal email. That is the only email account that  
14 I use for correspondence. It comes right to my  
15 phone.

16 Q. Do you have an account as an -- official  
17 account as a U.S. representative?

18 A. I do, and I don't use it.

19 Q. Okay. Do you know what the email address  
20 is for that account?

21 A. I can find out what it is. It gets some  
22 official notices from like security and other stuff,  
23 but I've never -- I don't think I've ever sent  
24 outgoing mails from it. I don't use it for work.

25 Q. Do you receive calendar invites on your

CONFIDENTIAL

Page 14

STEVEN STIVERS

official account?

A. No. Let me say more clearly, not that I know of. I don't know how all that inner workings happens. My assistant, my scheduler, does all that.

Q. Okay.

A. I shouldn't say no definitively, because the true answer is, I'm not sure, but I don't schedule things on it.

Q. Do you receive schedules on your G mail account?

A. Yes.

Q. Do you have a practice for how long you keep emails?

A. Not on my personal account. I think after this suit is all the way through the process, I'll create one. But we have one in the office for official emails, but I do not personally have a system. But I'm going to create one after this, because I noticed i Have emails that go back to when I created the account in 2009. That's like a ton of emails.

Q. Fair enough. So you mentioned that you do receive emails on your G mail account -- I'm sorry, you do receive calendar invites on your G mail

CONFIDENTIAL

Page 15

STEVEN STIVERS

account?

A. Yes.

Q. Do you have a system for how you keep calendars?

A. My scheduler does all that. When I want to do something, I text or email my scheduler and say set up a meeting, you know, that kind of thing.

Q. Okay. And you mentioned that you text your scheduler?

A. Sometimes.

Q. Okay. Do you ever text with other members of your staff?

A. Yes.

Q. Do you know if your text messages were searched?

A. I do delete my text messages regularly because it takes up memory on my phone. The emails are stored on a server somewhere. The text messages are stored on the phone. I have a practice of cleaning out my text messages every few months. And usually at the end of every quarter, I'll delete all my text messages just because it takes up memory on my phone. And I don't have a big phone, so I figure it's just better to clean it up and keep using it.

CONFIDENTIAL

Page 16

STEVEN STIVERS

Recycle.

Q. Okay. What type of paper files do you keep?

A. I don't keep a lot of paper files. I'm more digital.

Q. Do you keep any handwritten notes?

A. No.

Q. Do you keep handouts or printouts?

A. No.

Q. Do you have written calendars or agendas?

A. No. I guess Brett Kavanaugh did.

Q. I think everyone in the country knows that.

A. Sorry.

Q. Unless you were hiding under a rock. So I mentioned before that I'll primarily be talking about the 2011 redistricting.

A. Yes, ma'am.

Q. Who were the members of your staff in 2011?

A. In 2011, my chief of staff was Mary Beth Carozza. And my district director was Adam Kuhn. In Washington D.C., let's see, I had my legislative director was Jessie Walls. My scheduler was Monica



CONFIDENTIAL

Page 17

1 STEVEN STIVERS

2 Hueckel. My legislative aides were Justin Barnes

3 and -- what is her name, what is her name. I hate

4 when that happens. We're going back seven years

5 here. I'm forgetting a legislative aide. And J.C.

6 guy, Jacqueline Guy, was also a legislative aide.

7 And then in Ohio -- oh, also in Washington

8 Courtney Whetstone was my communications director.

9 And in Ohio, I had Adam Slane as a case worker. I

10 had Adam Rapien. I think he didn't start until 2012.

11 Who was my first field person.

12 I can get you a list of everybody, but

13 those are -- the key staff are the scheduler,

14 legislative director, chief of staff.

15 Q. Okay. If we come across anyone today who

16 we haven't discussed, I may ask you who they are.

17 A. No problem. Sorry I couldn't name

18 everyone off the top of my head. That was a long

19 time ago.

20 Q. That is okay. And I may throughout today

21 ask you to confirm who people are.

22 A. No problem.

23 Q. Do you keep a social media account?

24 A. I don't do my own social media.

25 Q. Okay.

CONFIDENTIAL

Page 18

STEVEN STIVERS

A. But my communications staff does Facebook and Twitter and Instagram, but I don't create my own.

Q. Do you have a process regarding how things get up on social media?

A. Yes.

Q. What is that process?

A. It is proposed by the staff, approved by the communications director, and then approved by me and then put on social media.

Q. Do you approve every individual item that ends up on your social media account?

A. The intent is that I approve every item. The practice is sometimes that if something is -- they feel like important or urgent and noncontroversial, that I may not approve every individual post.

Q. But as a general practice you approve all the posts?

A. Yes, as a general practice, as a general rule, that is fair to say.

Q. Okay. Could you give me a brief overview of your educational background?

A. Yes. I grew up in a little town in southern Ohio, Ripley, Ohio. Went to primary and

CONFIDENTIAL

Page 19

STEVEN STIVERS

secondary school there, graduated high school there, moved to Columbus. Attended The Ohio State University, graduated with a bachelor's of arts degree in '89. Went back, got a master's in business administration at The Ohio State University in 1996. And in 2012, I got a master's in strategic studies from the Army War College.

Q. Do you hold any special licenses?

A. In the past, I have been a Series 7 licensed securities broker, but that was before. That has been a long time ago. When I was at Bank One I let that lapse in probably 2000 maybe.

Q. What jobs have you held since your graduation from Ohio State?

A. My first job upon graduation was -- I still kept working as an aide in the state senate for a couple months. Then after that, I worked on some campaigns and did finance work for the Franklin County republican party. I was finance director there for a couple years.

And then after that I worked at the Ohio Company for six years as a vice president, and I was working on their syndication desk. In 1995, I went to work for Bank One and worked there until 2004 --

CONFIDENTIAL

Page 20

STEVEN STIVERS

I'm sorry 2003. In 2003, I was appointed to the state senate and worked there from 2003, was elected in 2004, and served until 2008.

I had a consulting business for a couple years in 2008 to 2010. Ran for congress in the 2008 and lost. Ran for congress in 2010 and won. So since 2011, I've been employed as a U.S. congressman.

Also since 1985, I've been employed by the Ohio State Guard, and deployed in 2004, 2005 to Operation Iraqi Freedom. I still serve as a member of the Ohio National Guard.

Q. I'm just going to ask you a few follow-up questions, and please correct me if I get anything wrong. You mention that you were an aide in the state senate. Who were you an aide for and from what dates?

A. I started in the state senate while I was in college working for a guy named Cooper Snyder, on January of 1984. And I stayed there until I shipped to officer basic in various capacities. I was originally a page, and then a constituent aide and and then an aide.

I stayed there until early -- or late 1989. I think I shipped in September to officer

CONFIDENTIAL

Page 21

STEVEN STIVERS

basic course at Fort McClellan, Alabama. So it was almost all part-time work. It was full-time for a little bit after college for a few months.

Q. Fair enough. And then you mentioned that you're a consultant from 2008 to 2010?

A. Yes.

Q. What kind of consulting work did you do?

A. We did work with businesses that were struggling. I helped them. I worked with an accountant and a financial guy, and we helped businesses restructure their business to make it more profitable in a very difficult economy in 2009, early 2010.

And I think I became a full-time candidate -- might have even been -- might have only been 2009. And in January, I may have become -- I think I became a full-time candidate in January of 2010.

Q. So I'll say at the outset, as we've discussed, documents were produced pursuant to the document request. You may or may not have reviewed these before. I'm going to show you a series of these documents. They've all been marked confidential by your counsel. We reserve the right

CONFIDENTIAL

Page 22

STEVEN STIVERS

to object to any confidential designation by these documents since we're currently reserving the right to object to the deposition, whole deposition being called confidential. I just want to state that for the record. I don't think we need to particularly mark testimony about any of these as confidential at this time.

MR. TUCKER: Well, again, we're designating the entire transcript as confidential.

MS. THOMAS: And we're reserving the right to portions of the transcript being released as not confidential.

MR. TUCKER: I understand.

MS. THOMAS: I'm going to have this marked as Exhibit 3.

(Exhibit 3 was marked for identification.)

Q. So marked as Exhibit 3 is an email that was produced, again, pursuant to this case. It's from -- the top email is from November 17, 2010. There is an Adam@StiversForCongress.com. I think you mentioned that there was an Adam Kuhna who was district director?

A. Kuhn.

Q. Kuhn who was district director. Is that

CONFIDENTIAL

Page 23

1 STEVEN STIVERS

2 this Adam?

3 A. That is correct. And I just noticed  
4 something I want to clear up. There's a third email  
5 that I forgot to mention, but it was searched and we  
6 provided documents from it. It's  
7 Stivers.Steve@Gmail.com, which is a G mail we use for  
8 scheduling purposes. So I apologize, I didn't think  
9 of that earlier. But I want to go back to that  
10 question, clean it up, add it now or however you do  
11 that.

12 Q. That is fine.

13 A. But, obviously, we produced this.

14 Q. And, for the record, Exhibit 3 bears  
15 Bates numbers Stivers 7454.

16 So I want to start with the email that is  
17 at the bottom of the page from Dino DiSanto. I don't  
18 think we discussed Dino DiSanto. Do you know who  
19 that is?

20 A. Yes, ma'am.

21 Q. Who is Dino DiSanto?

22 A. He was the chief of staff for Steve  
23 LaTourette, who was the dean of the Ohio delegation  
24 at the time, who has since passed away.

25 Q. And then this email from Dino DiSanto is

CONFIDENTIAL

Page 24

1 STEVEN STIVERS

2 to a number of people including Adam Kuhn, who we've

3 discussed, and he forwards this email to you,

4 correct?

5 A. Yes.

6 Q. Okay. The text of the forwarded email,

7 can you read the first sentence for me, please?

8 A. (Reading) Mr. LaTourette has called a

9 delegation meeting for Thursday, November 18, at 4:00

10 p.m. in Mr. Boehner's leadership office, which is

11 H204, trying to get a map. (I'll forward to you when

12 I have it.)

13 Q. And we can stop there. I may have you

14 read another part of it.

15 So you've mentioned who Mr. LaTourette

16 was. He was the dean of the Ohio delegation.

17 A. Yes.

18 Q. Did he have a practice of calling

19 delegation meetings?

20 A. That is the job of the dean of the

21 delegation.

22 Q. And how often would you have delegation

23 meetings?

24 A. Whenever there was something to discuss.

25 Typically, a few times a year.



CONFIDENTIAL

Page 25

1 STEVEN STIVERS

2 Q. Would they typically happen in

3 Mr. Boehner's leadership office?

4 A. They have moved around, but during that  
5 time when John Boehner was just coming in as speaker,  
6 they were typically in his office, yes.

7 Q. And what types of things would you discuss  
8 at the delegation meetings?

9 A. Usually legislative issues that impact the  
10 State of Ohio, or regional issues like the Great  
11 Lakes and water quality. And we'd talk about how we  
12 could support each other's legislation, those type of  
13 things, and occasionally political topics would come  
14 up.

15 Q. Now, this is a delegation meeting. Would  
16 the delegation include democrats and republicans or  
17 is this a republican --

18 A. It was a republican delegation meeting.

19 Q. Did you ever have meetings with the full  
20 Ohio delegation?

21 A. Yes, ma'am, about once a year.

22 Q. So your reading of these emails is that  
23 it's for a republican delegation meeting?

24 A. Yes, ma'am.

25 Q. There's a list of agenda items. And the

CONFIDENTIAL

Page 26

1 STEVEN STIVERS

2 third item appears to be redistricting; is that

3 correct?

4 A. That's what it says.

5 Q. There's also a reference to a map in the

6 top line, is that correct, or in the second line of

7 the email text that you read?

8 A. The way I read the map, it is a map to

9 John Boehner's office. To put this in perspective --

10 Q. Got it.

11 A. -- we had been elected 11 days before

12 that. None of us had even been sworn in yet. We

13 didn't know the U.S. capital or where anything was.

14 That's the way I read what the map is for.

15 Q. Okay. And the redistricting in Item 3 of

16 the agenda, what's your understanding of what that

17 refers to?

18 A. Well, it's probably just an initial -- I

19 don't recall this meeting, let me say first off.

20 But, obviously, Steve LaTourette was going to talk to

21 us about the fact that redistricting was coming up in

22 a couple years or a year.

23 Q. And did you have republican delegation

24 meetings where you discussed redistricting?

25 A. I believe so. I don't remember specific

CONFIDENTIAL

Page 27

1 STEVEN STIVERS

2 discussions, but I do believe it came up at some of  
3 the delegation meetings.

4 It's a very sensitive subject for members  
5 of congress when it comes up every decade, because  
6 especially in a situation like we were in 2010, we  
7 were going to lose two seats. So it makes it a very  
8 sensitive discussion.

9 So some discussions will happen, but it  
10 won't be like a long meeting about redistricting  
11 because that would get tense, could get tense.

12 Q. Okay. Now, you said that there were  
13 sensitive discussions because Ohio was losing two  
14 seats?

15 A. No, I was saying sensitive feelings  
16 because Ohio was losing two seats. Some of the  
17 members in that room as the delegation were probably  
18 not coming back.

19 Q. Okay.

20 A. That's why it was sensitive. That's what  
21 I was trying to say.

22 Q. Were there any discussions around the loss  
23 of two seats?

24 A. I don't remember.

25 Q. Do you recall any discussions about the

CONFIDENTIAL

Page 28

STEVEN STIVERS

pairing of incumbents?

A. I do not remember any discussions of pairing incumbents. That would have been, as I just eluded to, a very sensitive topic that would have caused lots of problems and friction and would not be something that would be discussed in that room. And I don't remember it ever being discussed in any delegation meetings.

Q. Outside of delegation meetings did you have any discussions with other congress people about pairing of incumbents in Ohio?

A. So during the process of redistricting in 2011, as you know, the legislature passes a redistricting law, passed by the house and senate, signed by the governor. There were a lot of rumors that were in the popular press or people would hear things, and there would be discussions. And so I'm sure there were discussions.

I don't remember any of them specifically, but there were -- the one thing I remember about redistricting is there were lots of rumors all the way till the last day, because it changed until the last day. And none of us really knew what was going to happen. And there were changes happening up until

CONFIDENTIAL

Page 29

STEVEN STIVERS

the last day in December of 2011. And I don't remember exactly when in December, but I remember it was in December.

Q. Okay. Do you remember having any discussions with anyone about the pairing of Turner and Austria?

A. I'm sure there was speculation about that, but none of us knew who was going to be paired together until we saw a map.

Q. What about after the first map was to be viewed, did you have any discussions with anyone?

A. There was a lot of speculation at that point about what would happen between the two of them. But I didn't have -- we talked about rumors we had heard. That is all I remember. And I don't even remember specifically what those were.

But after the first map, it was viewed as a fair fight between Austria and Turner by a lot of people, because they both had about the same number of constituents, the way I remember it.

Q. Okay. What about the pairing of Kucinich and Kaptur?

A. That never came up. That was never something that we talked about.

CONFIDENTIAL

Page 30

STEVEN STIVERS

Q. What about the pairing of Sutton and Renacci?

A. That didn't really come up until the end when it happened. I didn't know about it until the end. And I don't know when exactly I found out, but toward the end is when I remember finding out.

MS. THOMAS: I'm going to have the next document marked as Exhibit 4.

(Exhibit 4 was marked for identification.)

Q. This is another email that was produced for identification on the record. It's Stivers 4894.

This is an email chain that has been produced January of 2011. There is a -- the top email is a KNEBT@aol.com. Do you know whose email that is?

A. I do.

Q. And who is that?

A. That's my wife, Karen Stivers.

Q. And this email is sent to your account, correct?

A. Yes.

Q. Can you read the top line email?

A. (Reading) Please don't forward to anyone, just be aware of the redistricting paragraph. Love

CONFIDENTIAL

Page 31

1 STEVEN STIVERS

2 you, exclamation point, Karen.

3 Q. And then below that is the forwarded email  
4 chain. It's from a Jon Husted, who is that?

5 A. Jon Husted at the time was the Secretary  
6 of State of Ohio, the new secretary of state.

7 Q. Okay. And it's to your wife, Karen  
8 Stivers. And then I don't think we need to read the  
9 whole email. But if you go one, two, three, four  
10 lines down, there is a sentence that begins with  
11 Please.

12 A. Here it is.

13 Q. (Reading) Please make sure...

14 A. (Reading) Please make sure you guys stay  
15 in touch with us on redistricting so we can get it  
16 done in the right way.

17 Q. Okay. Did you have any conversations with  
18 Jon Husted regarding redistricting?

19 A. I did not.

20 Q. Okay.

21 A. And I don't believe he had any role in  
22 redistricting. He was very involved in  
23 reapportionment of the state legislative seats, but I  
24 don't believe he had an active role in the  
25 redistricting.

CONFIDENTIAL

Page 32

STEVEN STIVERS

Q. What is your understanding of why he would want you guys to stay in touch regarding redistricting?

MR. TUCKER: Objection, form.

A. I would have to speculate to say that I don't know what was in his mind at the time. So I don't know what he was thinking or saying in that exactly. Obviously, it was forwarded to me, and it's not my text. So I don't know exactly what he means by that.

(Exhibit 5 was marked for identification.)

Q. Marked as Exhibit 5, for the record, is Stivers 4042. This is an email from Mary Beth Carozza. That was your chief of staff at the time?

A. That's correct.

Q. Okay. And it's sent to you and to Adam Kuhn, correct?

A. That is correct.

Q. And the subject is Checking In. And in the second line she states: Jon Husted called about a letter. Do you see that?

A. I see that.

Q. Okay. Then she goes on to describe a conversation that she's had with him. And then --



CONFIDENTIAL

Page 33

STEVEN STIVERS

1  
2 I'm one, two, three, four, four up from the bottom,

3 there's a sentence that begins with "He also..."

4 A. Yes.

5 Q. Do you see that?

6 A. I do.

7 Q. Can you read that sentence?

8 A. I will.

9 (Reading) He also brought up a 12 to 4  
10 redistricting map scenario that he said we would  
11 like.

12 Q. Can you read the next sentence?

13 A. (Reading) Will fill you in by phone.

14 Q. Okay. Do you recall having any  
15 conversations with Mary Beth Carozza about a 12-4  
16 map?

17 A. I don't recall it. That was seven years  
18 ago. I mean, I'm not disputing what this says, but I  
19 don't recall the conversation.

20 (Exhibit 6 was marked for identification.)

21 Q. For the record, Exhibit 6 is 3301, Stivers  
22 3301. The top email is an email from your address,  
23 correct?

24 A. It is.

25 Q. And it's to Mary Beth, correct?

CONFIDENTIAL

Page 34

1 STEVEN STIVERS

2 A. Yes.

3 Q. And Adam Kuhn, correct?

4 A. Correct.

5 Q. And then there is a Monica --

6 A. Hueckel.

7 Q. -- Hueckel.

8 A. Yes, my scheduler.

9 Q. That is your scheduler, right, we  
10 discussed that. And this is from January 13, 2011,  
11 is that correct?

12 A. Correct.

13 Q. So I would actually like to focus on the  
14 email that is further down in the chain. It's  
15 another email sent by you, and it starts with on  
16 Thursday, January 13, 2011, do you see that?

17 A. Yes.

18 Q. Can you read the text of that email for  
19 me?

20 A. Yes, and I can put it in context, because  
21 part of the top puts it in context.

22 It says, three people I should go see.  
23 Especially Huffman. But then after that, Mary Beth  
24 said: Got it, adding Monica. And my top email,  
25 which says, I don't want to just call or set up

CONFIDENTIAL

Page 35

STEVEN STIVERS

meetings, I want to be thoughtful in the approach is meant to slow them down, because it's January of 2011, and I don't want to do stuff I shouldn't do, don't want to just set up meetings or call people if that's not appropriate. So I wanted to slow down what looked like Mary Beth trying to set up those meetings, because I wasn't sure I wanted to actually set up those meetings. And I don't believe any of those meetings actually occurred.

Q. Okay. Who is the Huffman being referred to here?

A. I believe it is Matt Huffman, who was either a state representative or state senator at the time. He was in the legislature a long time, but he was either a state representative or state rep.

Q. Do you know what role he played in redistricting?

A. Off the top of my head, I do not, because I decided not to engage personally on this. The top part of the email is meant to slow down, because I knew it was early, and I didn't want to get out in front of my skis and looking like I was trying to, you know, maneuver for myself in place of my colleagues. Like I talked about the sensitive nature

CONFIDENTIAL

Page 36

STEVEN STIVERS

of redistricting. So you don't want to -- there's important relationships you have to keep at the same time, and you don't want to be seen as being very cut throat and hurt other people and help yourself.

Q. Did you know Matt Huffman at the time?

A. I had met him. We weren't particularly close.

Q. Did you ever talk to Matt Huffman regarding redistricting in Ohio?

A. I don't believe I did.

Q. Do you know Keith Faber?

A. I know Keith Faber better, yes.

Q. Who is Keith Faber?

A. Keith Faber was a state senator at the time. He might have been senate president. No, I don't think he was yet. He was just a state senator at the time.

Q. Okay.

A. But he and I served together. Matt Huffman and I did not.

Q. And when you say serve together you mean --

A. In the legislature.

Q. And do you know what role Keith Faber

CONFIDENTIAL

Page 37

1 STEVEN STIVERS

2 played in redistricting?

3 A. I do not, and I do not believe I talked to  
4 him about redistricting.

5 (Exhibit 7 was marked for identification.)

6 Q. Exhibit 7 is -- begins with Bates number  
7 4523 for the record.

8 And it is another email that you produced  
9 in this case. This one is from April 5, 2011, and  
10 it's an email from your email address, correct?

11 A. That's correct.

12 Q. And it's to a Lara, and I will not be able  
13 to pronounce --

14 A. Lara Lashutka crotty is her name, and she  
15 is my fundraiser. And everybody else on the email  
16 is -- you know who they are. The CC's, if you like,  
17 I can identify them.

18 Q. Okay. Just for the record, it's Adam Kuhn  
19 and Mary Beth, again?

20 A. Correct.

21 Q. And then who are the CC's?

22 A. Jennifer Bogart and Emma Heydlauff were my  
23 Washington based fundraisers. And Lara Lashutka is  
24 my Ohio based fundraiser and finance director and  
25 does all the Stivers for Congress fundraising.

CONFIDENTIAL

Page 38

STEVEN STIVERS

Q. So I'm going to start with the email that's right below the email that you sent from Lara. Can you read the text of that email. It begins with Dirossi.

A. Yes. (Reading) Dirossi was just in my office asking when we were going to get the \$10,000, 10K, with a smily face.

Q. Do you know who Dirossi is that is being referenced?

A. I do.

Q. Who is that?

A. Ray Dirossi at the time was the fundraiser for the state senate campaign committee.

Q. How do you know Ray Dirossi?

A. I've known Ray off and on for ten years in various political positions. I knew him at that point because he was asking us for money. And because I was a former state senator, I had a practice of always giving 10,000 to the max out, which I was think was \$17,500 at the time to the state senate caucus every two years.

I did it in 2008. I did it in 2010. I've done it in 2012, 2014, 2016 and 2018. So it's not just something I do occasionally. It's something I

CONFIDENTIAL

Page 39

1 STEVEN STIVERS

2 do as a matter of practice. I support my former

3 colleagues and friends in the state senate.

4 Q. Okay. Do you know if Mr. Dirossi had any  
5 role in the Ohio redistricting?

6 A. I believe he did later, yes.

7 Q. What was that role?

8 A. I don't know what it was. But I know I've  
9 seen his name in documents, which is your complaint,  
10 the lawsuit. That's why I believe he had a role, but  
11 I don't know his exact role.

12 Q. Did you ever talk to Mr. Dirossi about  
13 redistricting?

14 A. Because we're friends, I talk to Ray  
15 Dirossi periodically. It's possible I talked to him  
16 about redistricting, but I don't remember any  
17 specific conversation about redistricting with him.

18 Q. Just so the record is clear, could you  
19 read the email at the top that you're sending. I  
20 think you've described the context.

21 A. I described the context and content, but  
22 it says: I want to give the Republican Senate  
23 Campaign Committee, which is the campaign arm for the  
24 republican state senate and the Ohio house republican  
25 organizational committee, which is the campaign arm

CONFIDENTIAL

Page 40

STEVEN STIVERS

for the house republicans \$10,000 ASAP. I would like to give them another \$7,500 after July 1st, which would take me to the maximum at the time which I believe was \$17,500.

Q. Okay. That was your personal funds that you were giving?

A. That was from Stivers For Congress. I wish I had that much personal money. You obviously deposed Jim Renacci. He is rich. That was a joke.

(Exhibit 8 was marked for identification.)

Q. This is an email from Courtney Whetstone.

A. Whetstone, yes, ma'am.

Q. Whetstone to yourself, Mary Beth and Adam.

A. Yes.

Q. Who is Courtney Whetstone?

A. Courtney Whetstone was my communications director.

Q. Okay. And this is an email -- oh, I don't know if I've identified it for the record. It's Stivers 2589. And this is an email with the subject Redistricting, is that correct?

A. That is correct.

Q. And it's from June 1st, 2011, is that correct?



CONFIDENTIAL

Page 41

1

STEVEN STIVERS

2

A. That is correct at 2:56 p.m.

3

Q. Could you read the first sentences for me  
4 or the first sentence, I guess?

5

A. (Reading) Mike Smullen emailed me to let  
6 me know they are hearing a redistricting plan that  
7 creates a Columbus D District protecting Stivers and  
8 Tiberi by taking the eastern half of Austria's... and  
9 then making Austria and Turner run against each  
10 other. If Mike is hearing this, then I'm sure you  
11 all are hearing it as well. I just wanted to pass  
12 along what people are sending to me...

13

Q. Who is Mike Smullen?

14

A. Mike Smullen is Bill Johnson's chief of  
15 staff.

16

Q. Okay.

17

A. And we were hearing lots of rumors around  
18 that time. And this would have just been like any  
19 other rumor for me at the time. I didn't put too  
20 much stock in any of the rumors because a lot of them  
21 turned out to be false, and some of them turned out  
22 to be true.

23

Q. Fair enough. What was your understanding  
24 of what Columbus D District meant?

25

MR. TUCKER: Objection to form.

CONFIDENTIAL

Page 42

1 STEVEN STIVERS

2 Q. Just your understanding?

3 A. I would have to speculate. I don't know  
4 what that means exactly. Mike Smullen -- that is  
5 Mike Smullen's term or Courtney's term.

6 Q. Okay. And Stivers is your name?

7 A. That is me, yes, ma'am.

8 Q. And then do you know who Tiberi is?

9 A. Tiberi is Pat Tiberi who was a congressman  
10 from Ohio's 12th district.

11 Q. Okay. And we've mentioned Austria before,  
12 but I don't think we've identified him for the  
13 record.

14 A. Steve Austria was the congressman from  
15 Ohio's 7th Congressional District.

16 Q. And then --

17 A. Would you like me to identify Turner?

18 Q. Yes, please.

19 A. Mike Turner is the congressman -- they've  
20 renumbered all the districts now. I think he was the  
21 3rd congressional district at the time. But now he  
22 has a new number, and I should know what it is, but I  
23 don't. But it was the 3rd at the time as I recall.

24 Q. Okay. Here the speculation is that you  
25 may inherit part of Austria's district. Did you end

CONFIDENTIAL

Page 43

1 STEVEN STIVERS

2 up inheriting any of Austria's district?

3 A. Yes, ma'am.

4 Q. And what portions?

5 A. I'll have to remember exactly what was

6 his. But I got, as I recall, I got stuff from Mike

7 Turner, John Boehner, Bill Johnson and Steve Austria

8 in redistricting. I got a lot of new territory, but

9 I believe the Steve Austria territory that I got was

10 half of Fayette County, which only has about two or

11 three thousand voters. It's more cows than voters.

12 I got Pickaway County, all of Pickaway County.

13 I ultimately got all of Fairfield County

14 from him and all of Perry County. I believe those

15 were the counties he had. I may have gotten

16 something else from him, but that's what I remember.

17 Q. Okay.

18 A. I don't believe he had Morgan. I don't

19 believe he had Vinton. I don't believe he had

20 Athens. I don't believe he had Ross. So I don't

21 think I got anything else from him.

22 As I said, some of the rumors were false  
23 that we were hearing in that time frame. Some turned  
24 out to be ultimately true. If you hear enough  
25 rumors, some of them are going to be true.

CONFIDENTIAL

Page 44

1 STEVEN STIVERS

2 (Exhibit 9 was marked for identification.)

3 Q. Exhibit 9, for the record, is Stivers 3.  
4 And it's another email that was produced from August  
5 15, 2011. And the email is from Lara, your  
6 fundraiser, is that correct?

7 A. That's correct.

8 Q. And it's to you, Mary Beth and Adam. And  
9 the subject is for approval Fin Com Agenda?

10 A. Yes, that is what it says.

11 Q. Do you know what Fin Com Agenda is?

12 A. I do.

13 Q. What is that?

14 A. Finance committee. That would be the  
15 group of folks that helps me raise money.

16 Q. Okay. And did you have meetings with your  
17 finance committee?

18 A. Yes.

19 Q. What types of things were discussed in  
20 those meetings?

21 A. Usually it was a general update of what  
22 was going on politically and what I was working on in  
23 Washington.

24 Q. And how frequently would you have those  
25 meetings?

CONFIDENTIAL

Page 45

1 STEVEN STIVERS

2 A. A couple times a year, maybe.

3 Q. So we are going to skip a lot of sections,  
4 but if you could read the section that begins with  
5 Adam?

6 A. Yes. (Reading) Adam, in the political  
7 update I suggest we share a broad outline of  
8 redistricting, talk about the timing of the process,  
9 per Whatman's suggestion, the central Ohio D  
10 district, and potential upcoming primary or general  
11 opponents.

12 Q. Do you know who Whatman is here?

13 A. I believe I do.

14 Q. And who is that?

15 A. I believe it's Tom Whatman.

16 Q. Who is Tom whatman?

17 A. Tom Whatman is a political person that  
18 worked for John Boehner at the time.

19 Q. Do you know what role he had with  
20 John Boehner?

21 A. I don't know exactly, but I know he worked  
22 with John Boehner on political items.

23 Q. Do you know if Tom Whatman worked on  
24 redistricting at all?

25 A. I don't know that off the top of my head.

CONFIDENTIAL

Page 46

1 STEVEN STIVERS

2 I don't remember seeing him in your documents, but I  
3 might have missed it. Maybe I missed it. But I  
4 don't know if he worked on redistricting off the top  
5 of my head.

6 Q. Okay. Now, this email that you just read  
7 suggests that Tom Whatman has given some suggestion  
8 about a central D district; do you see that?

9 A. I see that, yes.

10 Q. Okay.

11 A. Those are Lara's words.

12 Q. Understood. But do you recall any  
13 discussions with Tom Whatman or anyone in Boehner's  
14 office about a democratic district in central Ohio?

15 A. Obviously, Lara or somebody had a  
16 discussion it looks like here, but I don't recall  
17 having a discussion with him. And I would talk to  
18 Tom Whatman frequently because he did all of  
19 John Boehner's political work. So I would probably  
20 talk to him once a month.

21 Q. Did you ever talk to Tom Whatman about  
22 redistricting?

23 A. I may have. I don't recall specific  
24 conversations.

25 Q. I think we can take a quick break, ten

CONFIDENTIAL

Page 47

1 STEVEN STIVERS

2 minutes.

3 A. Great. To the extent -- I'll clarify  
4 quickly -- to the extent I talked to Tom Whatman, it  
5 was probably asking what he had heard, kind of  
6 getting the rumor mill of what's out there, because  
7 he was plugged in. So that was -- but I don't  
8 remember any specific conversations.

9 (Recess taken.)

10 (Exhibit 10 was marked for identification.)

11 Q. For the record, I have marked as Exhibit  
12 10 Stivers 1. And this is an email from Mary Beth  
13 from August 30th, 2011 to yourself, is that correct?

14 A. Yes.

15 Q. And the subject is DLH; do you see that?

16 A. I do.

17 Q. Do you know what DLH is?

18 A. I believe I do.

19 Q. What do you believe it is?

20 A. I believe it to be David L. Hobson.

21 Q. Who is that?

22 A. He is a former member of congress. He  
23 represented Ohio 7th district.

24 Q. Can you read the email for me, please?

25 A. Yes. (Reading) Beer will circle back and

CONFIDENTIAL

Page 48

STEVEN STIVERS

send soft message to Uncle Dave on ways he can help SA without hurting us or PT. We know DHL gets emotional about redistricting but wouldn't hurt his friends.

Q. Is the Uncle Dave in here a reference to David L. Hobson?

A. I believe it is.

Q. Okay. Did you have a practice of referring to him as Uncle Dave?

A. Mary Beth, who had known him for sometime, had a practice of referring to him as Uncle Dave.

Q. Did anyone else on your team call him Uncle Dave?

A. I'm not sure. I don't think so. But if Mary Beth would have called him Uncle Dave, somebody might have returned an email calling him Uncle Dave because she did.

Q. Okay. Do you know who SA is in this email?

A. I believe I do.

Q. Who do you believe it is?

A. I believe it to be Steve Austria.

Q. And do you know who PT is?

A. I believe I do.



CONFIDENTIAL

Page 49

STEVEN STIVERS

Q. Who do you believe PT is?

A. I believe PT to be Pat Tiberi.

Q. Do you have any recollection of David Hobson being involved in redistricting conversations at this time?

A. I have some vague recollection about some big context of how he was involved, yes.

Q. And what is that?

A. Dave Hobson who had represented the 7th district was trying to do everything he could to preserve Steve Austria who had taken his place, and Steve Austria's chance to stay in congress as part of redistricting.

Q. Okay. And you said he was trying to do everything that he could to try to preserve Steve Austria, what do you mean by that?

A. I think he was talking to people, encouraging people to make lines that he felt would be favorable to Steve Austria either in a primary against Mike Turner. This is August. I don't believe there had been any maps out yet, but there were rumors of Steve Austria and Mike Turner maybe running against each other. And he wanted as favorable a map for Steve Austria as he could get.

CONFIDENTIAL

Page 50

STEVEN STIVERS

And that caused some tension later on, because many times it was doing things that affected other districts potentially. And it was all rumors usually that we dealt with, because we never knew what was actually going on. And we would hear Dave Hobson is doing this or this is going on, and you may see some of those documents. I haven't reviewed every document we gave you, but you may see some documents that talk about that.

Q. Okay. And what was your reaction to the rumors of Dave Hobson's involvement?

A. I consider Dave a friend, but I also know that he was closer to Steve Austria than he was me. He was like a father figure to Steve Austria, and I felt like he was doing everything he could to help Steve Austria period.

Q. Did you have any discussions with Dave Hobson regarding redistricting?

A. I did not. I didn't feel like those would be productive because he was already focused on something, and I wasn't going to be able to dissuade him of that and didn't talk to him.

Q. You said Mary Beth knew David Hobson longer than you did.

CONFIDENTIAL

Page 51

STEVEN STIVERS

A. Yes, ma'am.

Q. Are you aware of any conversations she had with David Hobson?

A. I have a general recollection that she would talk to Dave Hobson about many issues probably every month or so. And I'm sure she talked to him about redistricting.

Q. Okay. Did she talk to you about any conversations she had with Dave Hobson on redistricting?

A. It was like emails where she would give me an update and say I'm hearing Dave is doing this or that, and you probably have those.

(Exhibit 11 was marked for identification.)

Q. So for the record 11 is Stivers 766. And it is an email from Adam, who we've already identified, to Mary Beth and copying yourself. Do you see that?

A. I do.

Q. And it's from September 10th, 2011?

A. Yes.

Q. So this is a series of emails. And why don't we go in chronological order, which would actually require us to start at the bottom?

CONFIDENTIAL

Page 52

STEVEN STIVERS

A. At the bottom, okay.

Q. And the bottom email is an email from yourself, correct?

A. No, I believe that is from Mary Beth Carozza to me. On the bottom --

Q. Oh, sorry.

A. On the bottom of the other page.

Q. We can actually skip this one. I don't think it has that much different context.

A. It has some context, which I would like to make sure that we can include if you would like.

Q. Okay. Why don't we include the context that you would like to with Mary Beth's email.

A. As we said in the last question, Mary Beth would sometimes tell me what she was hearing from people including Dave Hobson. As you can see, she referred to him as Uncle Dave. And she was in this telling me that -- she was saying Dave Hobson was advocating for me to pick up Clark County.

Q. Okay. And where is Clark County?

A. Clark County is just west of my district. My district stops at the border of Madison County. So Franklin County where we're sitting is Columbus. Madison County is like London and West Jefferson.

CONFIDENTIAL

Page 53

STEVEN STIVERS

And just west of that is Clark County, which includes Springfield and those cities.

Q. And what was your understanding of the advocacy around Clark County?

MR. TUCKER: Objection to form.

A. It would cause me to speculate, but I know that Dave Hobson wanted me to have Clark County, and I could -- I suppose I could speculate why, but I don't want to give -- I don't know that I know exactly why, but --

Q. Okay. So let's go to the email that you sent.

A. Okay. Thank you.

Q. Can you read the text for me?

A. Yes. (Reading) It says: Thanks. Uncle Dave -- because she referred to him as Uncle Dave, I did -- is making a major push to -- and I think this is a little ineloquent -- to him me get all of Clark County. I think that is supposed to say have me get, and sometimes --

Q. I do that often, yep.

A. I believe that's what that means.

Q. There's absolutely no judgment here. I do that very often.

CONFIDENTIAL

Page 54

1 STEVEN STIVERS

2 A. And it says: If that happens, Whatman  
3 tells me my index will go to about 52 unless I lose  
4 something else. The problem is that my district  
5 would become the most competitive district in the  
6 state. (LaTourette has about a 53 percent index).

7 Q. Now you refer to Whatman in this email,  
8 correct?

9 A. And then, by the way, it says: We will  
10 see what happens.

11 Q. Thank you. You refer to Whatman in this  
12 email, correct?

13 A. I do.

14 Q. And is that Tom Whatman?

15 A. I believe it is, yes.

16 Q. Okay. And you refer to an index in your  
17 email, correct?

18 A. It does, yes, ma'am.

19 Q. Do you know what that index is?

20 A. Yes, ma'am.

21 Q. What is it?

22 A. I believe it refers to a PVI, partisan  
23 voting index, which --

24 Q. You can continue.

25 A. -- which tells you how republican or

CONFIDENTIAL

Page 55

STEVEN STIVERS

democrat a district is. In this case, it's

52 percent.

Q. And is it 52 percent republican?

A. That is correct.

Q. Okay. Do you recall having conversations with Tom Whatman about indices as described here?

A. I don't remember, but I don't dispute it.

I see it here.

Q. Okay. And then you say that your district would become the most competitive district in the state, is that correct?

A. That's what it says, yes, ma'am.

Q. What did you mean by the most competitive district in the state?

A. It probably means the seat with the lowest republican index.

Q. And then you mention LaTourette's district at 53?

A. That's what it says, yes, ma'am.

Q. Do you recall seeing index numbers for other congress persons' districts?

A. No, ma'am. My guess is that was his current index before 2011.

Q. And why were you emailing your team about

CONFIDENTIAL

Page 56

1 STEVEN STIVERS

2 your index numbers?

3 A. I was probably just keeping them informed.

4 As you can see, later in the email, Adam says, don't

5 let them use your good nature against you, because

6 it's not -- I'm not making a value judgment, you

7 know, or saying that I'm going to do anything about

8 it. I'm just telling them what the number would be.

9 Q. Okay. The next email up is an email from  
10 Adam, correct?

11 A. It is.

12 Q. And that is responding to your email,  
13 correct?

14 A. It is.

15 Q. Can you read the email from Adam, please?

16 A. Yes, and I would like to put it in  
17 context. The team gets very upset about things and  
18 so that he will try to push me to get me to be a  
19 little more hard core on this stuff.

20 I'll read it from Adam. (Reading) Having  
21 Clark County is our worst case scenario and clearly  
22 not good for Team Stivers. Uncle Dave has  
23 potentially taken our district from a 6.5 index to a  
24 2. That's not looking out for Steve Stivers. We  
25 will be a swing district and we will get the worst



CONFIDENTIAL

Page 57

STEVEN STIVERS

deal out of everyone in the state. Johnson is a 5. Gibbs and Renacci are both 4.5.

Q. Thank you. Do you have an understanding of what a 6.5 index is?

A. I believe that you would win by 6.5. I think he miscalculated here. Because if we were a 52, you win by four, because it's 52 to 48. It's not a two, it's a four.

Q. Do you agree with his characterization that you would become a swing district?

A. I don't think there's any such thing as a safe district. I think every district is a swing district. And we saw that in 2018, Pat Tiberi's in 2011 was made much more republican than mine.

Pat Tiberi retired. And in the special election, that district almost went democratic, and it's a ten point index. So districts can swing wildly based on a lot of factors, including incumbency, how active the member works, how much the member fund raises, how hard the member campaigns, and the competition. So there are a lot of things that go into making a district competitive, not just the index.

Q. Do you agree with his characterization

CONFIDENTIAL

Page 58

STEVEN STIVERS

that having Clark County would not be a good scenario for you?

A. I don't agree with that.

Q. Why not?

A. Because I don't think -- I don't think one geography is better or worse for me. And I don't know the people of Clark County, I've never represented them, but I'm sure they are nice people.

Q. Did other members of your team, as far as you're aware, share this view of Clark County?

A. It was a big fight between Adam Kuhn and Mary Beth who more agreed with Dave Hobson, I believe.

Q. Okay. Can you read the email above from Mary Beth, please.

A. Mary Beth. And I may misremember what their positions were, but that's the way I remember it.

(Reading) Whatman says we need to tell Weidner and Hobson point blank we don't want Clark County in the strongest possible terms. I'm prepared to go further with Dave and let him know his meddling is not only hurting Austria, but you, too. I will make it personal. Dave is hearing what he wants to

CONFIDENTIAL

Page 59

STEVEN STIVERS

hear and we need to set him straight.

Q. And is your understanding that the whatman discussed here is Tom Whatman?

A. I would believe so.

Q. And the Dave and Hobson are David Hobson who we've discussed?

A. That's correct.

Q. And who is Weidner?

A. Chris Weidner was a state senator.

Q. And do you know what his role was in redistricting?

A. I don't know what his role was in redistricting.

Q. And the subject of this response is also Clark County, correct?

A. Yes, ma'am.

Q. And this email is discussing relaying a desire not to have Clark County in your district?

A. That is correct.

Q. Do you know if those conversations occurred?

A. I believe I slowed my team down on that.

Q. What do you mean?

A. I didn't want to look like I was looking

CONFIDENTIAL

Page 60

STEVEN STIVERS

out for myself at the expense of my colleagues or Steve Austria. And I believe I told my team to slow down on that. Now, I don't know -- that's my recollection at this time.

Q. Does slow down mean no conversations happened?

A. It means don't be -- like, you read -- I read this email to you. They want to be very aggressive on this. And I know I told them I did not want them to be very aggressive because I did not want to be seen as predatory among my colleagues and friends who are also members of congress.

Q. Okay. So you didn't want to be seen to be very aggressive, does that mean that no one could have any conversations about Clark County or you didn't want to have an aggressive message about Clark County?

MR. TUCKER: Object to form.

A. I don't remember exactly. What I do know is I slowed the team -- they wanted to be very -- I read the email to you -- they wanted to be very forceful. And I remember after that, slowing them down and saying, I don't want to get in the middle of this. It will work out one way or the other. That

CONFIDENTIAL

Page 61

STEVEN STIVERS

is what I remember.

(Exhibit 12 was marked for identification.)

Q. All right. For the record, I've just had marked as Exhibit 12 Stivers 2987. And this is an email chain -- similar email chain to the one that we reviewed before, but not exactly the same, and it's from September 10th, 2011.

A. Is this after the other one?

Q. I have -- I think it's just there are a couple of emails.

A. It is after, yes, ma'am. It is after.

Q. There is one at 10:00. These are supposed to be chronological.

A. I wanted to make sure I understand the context, because I don't recall this, but I'm reading through it.

Q. So I think you will see that two emails on the bottom are emails that we've already discussed. An email from Mary Beth, and then your response to Mary Beth about Clark County. And now there is a new email from Adam Kuhn to Mary Beth and yourself. Do you see that?

A. I see it.

Q. Okay. And can you read the text of

CONFIDENTIAL

Page 62

STEVEN STIVERS

Mr. Kuhn's email?

A. (Reading) Attached are some maps that I drew today to give you a range of indexes.

Q. And then the attachments are stapled as one exhibit?

A. That is correct. There appears to be three.

Q. Do you recall receiving this email?

A. I do not recall receiving this email.

Q. Do you recall ever receiving any maps with the various partisan makeups of a potential district?

A. I do not. I mean, I see that I got these maps, but I don't believe -- I don't believe I got a lot of maps, and I don't remember getting these maps.

In looking at them, they look nothing like what my district ultimately ended up like in the first or second map. So I don't know where they came from. Obviously, they came from Adam. I don't know how he did them, but I didn't -- I never made any maps, and I don't remember getting maps, but I got obviously these.

Q. Okay. If we could go to just the first map, I want to see if we can identify what we're looking at here.

CONFIDENTIAL

Page 63

STEVEN STIVERS

A. Yes, ma'am.

Q. So there is a legend with Field and Value,  
do you see that?

A. I do see that.

Q. And there is District, do you see that?

A. I see it.

Q. Then Population?

A. Yep.

Q. Then Deviation?

A. Yep.

Q. Then Percentage Deviation, and then  
Percentage R Index?

A. I see that, yes.

Q. Do you know what Percentage R Index is?  
MR. TUCKER: Objection.

A. It would cause me to speculate.

Q. Okay.

A. Capital R underline I N D E X.

Q. Do you know what USH 10 8 R is?

A. I do not know what that is.

Q. Do you know what D Index is?

A. I don't know. It would be speculation on  
my part.

Q. Do you know what USH 10 08 D is?

CONFIDENTIAL

Page 64

STEVEN STIVERS

A. I have no idea what that is. I have no idea what either one of those are.

Q. Okay.

A. I can see in these maps that none of them include all of Clark County. It looks like Adam sent me this after the initial discussion to see what it would look like if we didn't get all of Clark County. And none of those include all of Clark County as you can see.

But my district never looked anything like either one of these maps, because Union County is in all three of these maps. We never got Union County. We lost it in redistricting. We had it before. Logan County is in here. We never got that. That's in two of the maps. And a lot of Fairfield and Pickaway that we ended up picking up in the second map are not in here.

Q. Okay.

A. So it looks just like something he tried to attempt.

(Exhibit 13 was marked for identification.)

Q. All right. I've just handed you what has been marked as Exhibit 13. It's Stivers 775 for the record.



CONFIDENTIAL

Page 65

STEVEN STIVERS

And this is -- the top line is an email from Adam to Jennifer Bogart who we've identified as one of your fundraisers?

A. Correct.

Q. And to yourself?

A. Correct.

Q. And it's copying Lara who is also a fundraiser, correct?

A. Um-hum.

Q. And the email is Quick Question -- or the subject is Quick Question. And it's an email from September 17, 2011?

A. That is correct.

Q. Okay. Can you read the email for me, please?

A. Where would you like me to start, at the initial bottom part and then read up? There is two parts.

Q. No, I think we can just focus on the email from Adam, yes.

A. (Reading) She is running in the newly created democrat seat in Franklin County through redistricting. We're still in the 15th District. Kilroy is running in the 3rd District.

CONFIDENTIAL

Page 66

STEVEN STIVERS

Q. And for the context, the earlier email is referring to Mary Jo, which I assume is Mary Jo Kilroy?

A. Who ran against me in 2008 and '10, yes. And just as a little more context. This is September 17th after the map was public. So the map was introduced in the legislature in September, and I believe the map was public at this time, and that's why he knows that.

Q. When the map was public, do you recall there being a democratic leaning seat in Franklin County?

A. There was a new seat in Franklin County that has a lot of the City of Columbus and had a more democratic bent, yes.

Q. And then the speculation was that Mary Jo Kilroy was going to run in that district?

A. I believe she had filed Federal Elections Commission paperwork that said she was running in that district, so it's not speculation.

Q. In the new map you were left in the 15th District?

A. Yes, ma'am.

(Exhibit 14 was marked for identification.)

CONFIDENTIAL

Page 67

STEVEN STIVERS

Q. This email bears Bates number 3782 Stivers. This is an email from yourself, correct?

A. Yes, it is.

Q. It's to Courtney Whetstone?

A. Courtney Whetstone, my communications director, yes.

Q. I'm sorry. I'm going to have to tell myself, pretend the H isn't there, the silent H.

And you're forwarding a news article, correct?

A. Yes, I am.

Q. Looking at the text that is included, do you recall what the news article was about?

A. It just talks about the new redistricting process, and I believe it talked about -- although it's not in your highlighted text -- it talked about how Steve Austria might run against me.

Q. Okay.

A. And that was the context of this email.

Q. And then you ask Courtney Whetstone to email -- to call you after reading it?

A. Yes, ma'am.

Q. Do you recall whether she called you?

A. I'm sure she did.

CONFIDENTIAL

Page 68

STEVEN STIVERS

Q. And why did you want her to call you?

A. Because I think this was the beginning -- and you can actually pull this article and look at it and double check me -- I think this was the first time we saw something that said Steve Austria might run against me in print, like in the press.

Q. And then did you want to respond to that in the press?

A. I wanted her to know it was coming and know how to talk through how she would advise handling it.

Q. And did you come up with a strategy for dealing with that?

A. We decided to mostly ignore it, yes, publicly and in the press.

Q. Okay.

A. And work behind the scenes to see if we could discourage him from running against me.

Q. Did you work behind the scenes to try to discourage him?

A. We did.

Q. What did you do?

A. He is a friend. I talked to him and stayed close to him the whole time, and encouraged

CONFIDENTIAL

Page 69

STEVEN STIVERS

him to not run against me.

Q. And did those conversations start in October 2011, or at some other point?

A. I don't know exactly when, but this was the first time we saw it publicly. I remember a lot of issues around this in November --

Q. Okay.

A. -- and December.

And I believe we had to pull petitions in December of that year. It was a presidential year, right? Yes, 2012.

Q. 2012, it was a presidential year.

A. It was a presidential year, yes, so that means the primary was in -- originally scheduled for March of 2012, which means petitions would actually be pulled potentially in December of 2011, to put it in context.

(Exhibit 15 was marked for identification.)

Q. And for the record, this is 6266 Stivers. This is an email from Adam Kuhn to Courtney Whetstone, yourself. And that is your wife's address, correct?

A. I believe so.

Q. Okay. And it's from November 2nd, 2011,

CONFIDENTIAL

Page 70

STEVEN STIVERS

and it's following up on a story in the Dispatch.

I'm not going to address the story. If you want to look at it to just get the context, that is fine.

A. I'm looking at it right now. I got it. Yes, I believe that is the second map coming out.

Q. Okay. So I want to only ask you about a portion of the email at the top from Adam to the people that we've named including yourself.

A. Yes.

Q. Can you read the sentences and the line that begins with House Thinks?

A. (Reading) House thinks they have the votes. Martin was the holdout, apparently. Boehner had to call him personally today.

Q. Okay. Do you know who Martin is that is being referred to here?

A. I don't. I assume he's a state rep, but I don't know who that is.

Q. And is the Boehner John Boehner, the then speaker of the house?

A. I believe that to be John Boehner.

Q. Do you know whether John Boehner talked to anyone about redistricting in Ohio?

A. I do not. And I don't know whether Adam

CONFIDENTIAL

Page 71

1 STEVEN STIVERS

2 actually knows about a call or told us a rumor. So,  
3 you know, it sounds like a fact in this email, but  
4 I'm not sure it's a fact.

5 Q. Okay.

6 A. I take it as a rumor, because I know how  
7 things were going at that point, and people were  
8 saying things that when you read them sound like a  
9 fact, that are a rumor.

10 Q. Were there rumors going around at the time  
11 that John Boehner had been calling people in the Ohio  
12 legislature?

13 A. Not that I remember. And that is why I  
14 consider this to be a rumor. I have a hard time  
15 thinking the speaker of the house would have called a  
16 state representative on this.

17 Q. Did you ever discuss redistricting with  
18 Speaker Boehner?

19 A. I don't believe I did.

20 (Exhibit 16 was marked for identification.)

21 Q. I've just handed you Exhibit 16. It is  
22 marked Stivers 330. And this an email from Lara --

23 A. Lashutka.

24 Q. I was just going to say who did  
25 fundraising -- to yourself.

CONFIDENTIAL

Page 72

1

STEVEN STIVERS

2 A. Yes.

3 Q. And the subject is Calls Today Ingram  
4 Tracker. Do you see that?

5 A. Yes.

6 Q. Okay. Just sticking on the subject, do  
7 you understand what the subject of this email means?

8 A. I do.

9 Q. What is that?

10 A. It means that I had an event coming up  
11 with the Ingram family at their home, and I was  
12 calling to ask people to support that event.

13 Q. Okay. And then there are talking points  
14 for the calls?

15 A. Yes, I see them.

16 Q. And were those -- were those talking  
17 points that you were going to use?

18 A. Those were talking points that Lara put  
19 together. She always puts together talking points.  
20 I don't always feel compelled to use those talking  
21 points. So those are her words, not mine, and not  
22 necessarily the way I would phrase things when I  
23 would call people, but they give me a point of  
24 reference that I look at and then decide what I'm  
25 going to say. So I have a reputation for not always



CONFIDENTIAL

Page 73

1 STEVEN STIVERS

2 using the talking points my staff gives me.

3 Q. Okay. If you could look at the third  
4 bullet --

5 A. Yes.

6 Q. -- of talking points and read that to me?

7 A. (Reading) Just yesterday the house was  
8 talking about a compromise on a map that potentially  
9 puts you in a district with 70 percent of new voters  
10 and potentially a competitive primary.

11 Q. And the purpose of this talking point was  
12 something that you could potentially use on your  
13 calls?

14 A. That's correct. I believe that is what  
15 Lara wanted me to say.

16 Q. Do you recall this particular talking  
17 point and its context?

18 A. I believe around that time was when the  
19 Steve Austria primary talk was heating up, and the  
20 fact that there was a new compromise conversation,  
21 and we knew the map was, you know, influx, that gave  
22 people that supported me to want to continue to  
23 support me because they want to help keep me elected  
24 to congress. I don't know whether I used that ing  
25 talking point specifically, but it was presented to

CONFIDENTIAL

Page 74

STEVEN STIVERS

me.

(Exhibit 17 was marked for identification.)

Q. I've just had marked as Exhibit 17 Stivers 2306. And this is an email from Adam Kuhn to yourself, looks like your wife, to Courtney Whetstone, looks like Lara's email is here, and then to a new person, Mike Culp; do you see that

A. Yes, I do.

Q. Do you know who Mike Culp is?

A. He is a friend and was in my wedding, and he's a trusted friend.

Q. Does he have any official position, either fundraising for you or working in the campaign?

A. He has never earned a salary from me in any capacity. He's an advisor and a friend.

Q. And this email is from December 12th, 2011. Do you see that?

A. I see it.

Q. And the subject is Redistricting Report?

A. Um-hum.

Q. Ohio Campaign for Accountable Redistricting.

And if you could look at one, two, three, fourth line, which starts with Requests.

CONFIDENTIAL

Page 75

STEVEN STIVERS

A. Yes.

Q. If you could read that for me, please?

A. And I want to put this in context. This report is not something I agree with or believe is fact. This was something that Adam sent to all of us so we would know what might be in the popular press, because it was an outside group trying to tell a story; not that it was fact.

Q. Fair enough.

A. (Reading) Requests by State Senator Chris Weidner to keep Clark County in one congressional district were ignored because this would hurt the political index for Congressman Steve Stivers' district.

Q. Okay. Do you recall discussions in the press at the time about Clark County?

A. I do not. I think this is the only thing I remember in the -- it wasn't a press. This is an outside group trying to get press, and I don't remember it getting a lot of press.

Q. What was your reaction?

A. But we were talking about it because we wanted to be able to respond, because we did not take as active a role in that, as I said, because I didn't

CONFIDENTIAL

Page 76

STEVEN STIVERS

want to be seen as a problem among my colleagues.

Q. Okay. Did you do anything to respond to this news?

A. Not that I recall. I think our point was to know that it was out there and be ready to respond if it was in the press. And I don't remember this ever getting out, so we didn't, you know -- when something is not news, you don't want to make it news.

(Exhibit 18 was marked for identification.)

Q. I just had marked for the record Stivers 18, and it's Stivers 7519. So to get everything in context, I would like to go to the first email in this chain.

A. Yep.

Q. It's an email dated March 2nd, 2012, from Aaron Blake, who has the address Aaron.Blake@washpost.com; do you see that?

A. Yes, I do.

Q. And it's to yourself at your AOL address, right?

A. Correct.

Q. And the subject is Redistricting?

A. Yes.

CONFIDENTIAL

Page 77

1

STEVEN STIVERS

2

Q. Can you read -- and I think for context it would be helpful to read the full email from Aaron Blake.

5

A. Sure. (Reading) Hey, Congressman, Chris passed along your email address. I'm looking for some voice from the Ohio delegation about how much republican members feel redistricting has helped them this year. I know your district got quite a bit safer, and I wondered if you might offer some quick thoughts, going in to primary -- the primary on Tuesday. The question would be this: Are you feeling a lot safer? And why? Any chance I could get a quick response.

15

Q. Okay. So let's just pause here for a second. Do you recall getting this email?

17

A. I recall it in general terms, yes.

18

Q. Okay. What is your recollection?

19

A. Obviously, he wanted -- he was writing a story for the Washington Post and wanted to talk about the impact of redistricting.

22

Q. Okay. And then above it looks like you forwarded this email to Courtney Whetstone, correct?

24

A. Yes.

25

Q. And then you start off with: Here is what

CONFIDENTIAL

Page 78

1 STEVEN STIVERS

2 I thought I would say?

3 A. Yes, and I would frequently send Courtney  
4 some ideas, and then she would make it much more  
5 eloquent and take out the stupid things I might want  
6 to say. That's her job.

7 Q. The record won't reflect your great laugh.

8 A. It's too bad.

9 Q. Why don't you read your email to Courtney  
10 for us, please.

11 A. (Reading) Here is what I thought I would  
12 say: Aaron: Happy to help. The redistricting in  
13 Ohio did shore up some of the toss-up districts. For  
14 example, Ohio one went from a D plus 2 to a R plus  
15 10. He probably won't have a close race for the next  
16 decade.

17 New bullet point. Ohio 6 improved from a  
18 R plus 2 to an R plus 5 district. This will give  
19 Bill Johnson the advantage against Charlie Wilson in  
20 their rematch.

21 The next one: My district went from a D  
22 plus 1 to a R plus 5. While I don't take anything  
23 for granted, there are a lot more republicans in my  
24 district. In the end Ohio, like a lot of states, has  
25 less competitive races after redistricting. In fact,

CONFIDENTIAL

Page 79

1

STEVEN STIVERS

2 there were six or seven top tier races in 2010, the  
3 1st, the 6th, the 12th, the 13th, the 15th, 16th and  
4 the 18th districts, and there might be two in 2012,  
5 the 6th and the 16th. And republicans have the  
6 numeric advantage in both, Renacci and Johnson should  
7 win.

8 Q. So let's pause on some of the parts of  
9 that email. And the top line -- not the top line,  
10 the top bullet where you're discussing Ohio 1, that's  
11 the 1st Congressional District in Ohio?

12 A. That's correct.

13 Q. And you say it went from D plus 2 to R  
14 plus 10; is that right?

15 A. That is what I said -- it says there, yes.

16 Q. And what is that a reference to?

17 A. The political -- the partisan voting  
18 index.

19 Q. What index are you using?

20 A. The PVI. Probably the current PVI, if it  
21 was out or some district that I had seen in the  
22 popular press. Some index I had seen somewhere.

23 Q. And was your view at the time that the  
24 congressperson from that district probably wouldn't  
25 have a close race for the next decade?

CONFIDENTIAL

Page 80

1

STEVEN STIVERS

2 A. That's what -- so these are the points  
3 that I drafted for Courtney. We turned that into a  
4 much more eloquent statement and didn't ultimately  
5 use any of these bullet points. And it turned out to  
6 be false. Because Steve Chabot just had a close race  
7 in the 1st District in 2018. So to the extent I  
8 thought that it was false.

9 Q. Do you recall whether that was your  
10 opinion at the time?

11 A. I don't know. I see the text here. And,  
12 obviously, Courtney helped me clean it up. So we  
13 didn't end up saying any of the things that you just  
14 had me read. Those were inner thoughts, not anything  
15 that I expressed to anyone.

16 Q. But these were your inner thoughts?

17 A. Potentiallyly. They were ideas for  
18 conversation.

19 Q. And then in the sixth, you talk about it  
20 went from R plus 2 to R plus 5, is that right?

21 A. Yes, that is what it says.

22 Q. And is that has reference to the PVI?

23 A. I believe it is.

24 Q. And who is Charlie Wilson?

25 A. He was a former congressman from the Ohio



CONFIDENTIAL

Page 81

1 STEVEN STIVERS

2 6th District. Bill Johnson beat him in 2010.

3 Q. And then you discuss your district,  
4 correct?

5 A. Correct.

6 Q. And you said it went from a D plus 1 to a  
7 R plus 5?

8 A. Yes, it did.

9 Q. Is that also the PVI?

10 A. Yes, I believe it is.

11 Q. And then you state: While I don't take  
12 anything for granted, there are a lot more  
13 republicans in my district?

14 A. That is correct. And I think the point  
15 there in context is, as I said before, a lot of  
16 things make districts competitive or not competitive,  
17 whether somebody is an incumbent, how well they serve  
18 their people, how hard they work on campaigns, how  
19 much they fundraise, what their index is. And all  
20 those things go into this, even though I only  
21 reference the index in this, but it's all those  
22 things that matter.

23 Q. Okay.

24 A. That's why I say I take nothing for  
25 granted. Because just this last year, Mia Love lost

CONFIDENTIAL

Page 82

STEVEN STIVERS

an index that was an R plus 15. You know, the index is not the sole determinant of an outcome at all.

The 12th district that we've talked about, which is a R plus 8 index now, it was a 10. It's now an 8, but it ended up being a less than one point race in the special election in August, because the index isn't sole determinant.

But once Troy Balderson was an incumbent in the fall, it became a much more comfortable district for him because he got the advantages of incumbency that most incumbents get.

And that's all the other stuff when you think a district is competitive or not, you have to think about retirements, how hard people work, whether they fundraise whether they campaign, whether they represent their people, all those things build in to whether a district is ultimately competitive.

Q. We've referenced the revisions that Courtney did to your initial thoughts?

A. Yes.

Q. Can you read that for me?

A. Yes. (Reading) While Ohio's 15th Congressional District was made less competitive through the redistricting process, I'm not taking

CONFIDENTIAL

Page 83

STEVEN STIVERS

anything for granted. This is my first reelection campaign, and I'm taking this race seriously as I did in 2008 and 2010 when the district was one of the most competitive in the nation.

Q. Okay. Did you agree with the statement that your district became less competitive after redistricting?

A. I think it became less competitive after redistricting, but redistricting wasn't the only reason. It was because I was the incumbent now, and because I, you know, raised a lot of money and work hard politically, and because I have a professional political operation, and because I respond to my constituents in a timely way and get democrats to support me. In fact, democrats have supported me from 2008, to '10, to '12, to '14, to '16, and now in 2018, because of the way I work in a bipartisan fashion.

So I think there are a lot of reasons. Even though it says after redistricting, redistricting is not the only sole determinant, but it's a point in time after redistricting.

Q. Okay. Now, we've looked at some emails that reference the process of the map getting passed

CONFIDENTIAL

Page 84

STEVEN STIVERS

in the Ohio legislature?

A. Yes.

Q. How closely were you following that process?

A. In the press, we sent a lot of articles around. That's really what it was. I didn't attend any hearings. I didn't send anybody attending hearings, but I read the popular press about it.

Q. Did you or did anyone in your office have conversations with people in the Ohio legislature?

A. I don't believe they did.

Q. Did you know about anything that was happening regarding negotiations over the map that weren't publicly available?

A. No. What I knew at the end was -- and it was a bipartisan map, because they brought in the congressional -- or the legislative black caucus and made a deal with them and changed some lines around the state. And it became ultimately a bipartisan map as a result of that and got, you know, a super majority, and it was a bipartisan super majority.

Q. And that understanding is based on the public record?

A. That's correct, and what was written at

CONFIDENTIAL

Page 85

STEVEN STIVERS

the time. But it's a fact that it was a bipartisan map.

(Exhibit 19 was marked for identification.)

Q. So this is Exhibit 19. It's Stivers 4406 for the record. We're going to take two things out of chron order. And I don't think anything else is going to be in chronological order. So I think this is actually the break where we're no longer going in chronological order.

A. Okay. No problem.

Q. This is a similar email chain that we saw earlier, but the top email is a different email, one that we haven't seen in the past. And it's from Mary Beth to Adam and yourself. Do you see that?

A. I do.

Q. And that is from September 11, 2011; do you see that?

A. Yes.

Q. Okay. Can you read that email from Mary Beth?

A. It says: Adam, Whatman would not let that happen, and Hobson does not have that kind of sway as a former member.

Q. And the email below is an email about

CONFIDENTIAL

Page 86

1 STEVEN STIVERS

2 having Clark County in your district, is that

3 correct?

4 A. The same email we referred to before, and

5 it's just a different top of the chain. It's the

6 same email as in Exhibit -- Well, mostly Exhibit 11

7 it appears is actually a direct -- I'm looking --

8 it's a direct response to the email in Exhibit 11.

9 Q. Okay.

10 A. Before --

11 Q. Exhibit 12?

12 A. -- Exhibit 12.

13 Q. So looking at this email, Exhibit 19, do

14 you understand Whatman to be Tom Whatman?

15 A. Yes.

16 Q. Do you have any understanding of why there  
17 would be a discussion about Tom Whatman letting or  
18 not letting something happen?

19 A. I don't know. That would be speculation  
20 on my part. I don't believe -- I'm not -- yeah, I  
21 am. This is from Mary Beth to Adam and I, but mostly  
22 a response to Adam. And it's Mary Beth's opinion, so  
23 I can't speak to her state of mind or what she  
24 thought there or why she thought somebody could or  
25 couldn't do something.

CONFIDENTIAL

Page 87

STEVEN STIVERS

(Exhibit 20 was marked for identification.)

Q. I've just handed you Exhibit 20 for the record. It's Stivers 3283. And it's an email from Adam Kuhn to yourself and Courtney Whetstone and appears your wife's email?

A. Correct.

Q. And the subject is Re: redistricting?

A. Yes.

Q. Can you read that email for me?

A. (Reading) Yes, ma'am. Well, the background was this whole Clark County came from Hobson. He floated it with Mary Beth who called me after their conversation and thought Clark for Fairfield was a fair trade. I told her it was a terrible idea. It was. And I know Steve told her the same, and we killed the idea from this end. And I think Hobson went the Weidner route.

Q. And then there is one more line?

A. Well, he can run against Jim Jordan now. Smiley face.

Q. So in this email Adam is responding to an email from your wife, is that correct?

A. That is correct.

Q. And it's about this question of Clark

CONFIDENTIAL

Page 88

STEVEN STIVERS

County being a part of your district, is that correct?

A. That's correct.

Q. And Adam is relaying that he believed the idea came from Hobson, but do you understand that to be David Hobson who we've discussed?

A. Yes, yes.

Q. And that there was a conversation between David Hobson and Mary Beth that we've discussed?

A. Yes.

Q. Okay. And Adam is saying that he told Mary Beth he thought it was a bad idea, and that Steve told her the same. Is that a references to yourself?

A. I believe that is a reference to me, and I don't believe that is an accurate statement, but it is a reference to me.

Q. Okay. Did you respond to this email correcting Adam?

A. I don't know if I did or did not. But the way I remember it is that, you know, we didn't get actively involved in the Clark County thing. I know I didn't get actively involved in the Clark County thing.



CONFIDENTIAL

Page 89

STEVEN STIVERS

I mean, you saw the emails from me on Clark County earlier. And I think that's what he's referring to, but I believe he's misinterpreting what I'm saying. And we're talking about December 13th, so this is already -- it's already a fait accompli that lines have been drawn in context. So it wasn't something that I felt that we needed to go back and relive more drama between my staff, probably which is why I didn't respond.

(Exhibit 21 was marked for identification.)

Q. I've just handed you what I have had marked as Exhibit 21. For the record, this is a article from the Columbus Dispatch, and it's from September 21st, 2011. It's by a person named Jim Siegel. And the title of the article is His Car Can Handle the Miles of a Redrawn District, says Stivers?

A. Yes.

Q. Okay. Do you recall being interviewed by anyone at the Columbus Dispatch around this time?

A. This article is refreshing my memory, but I didn't recall it until you put this in front of me.

Q. Okay. Now, that you see this article, do you recall having been interviewed?

CONFIDENTIAL

Page 90

STEVEN STIVERS

A. I recall it, yes.

Q. Okay. You can look at the article to get the context, but I'm just going to point you to some specific statements.

A. Okay.

Q. One, two, three, four, five down, there is a quote from you saying I would.

A. Yes.

Q. Can you read that?

A. (Reading) I would Love to represent a more compact district, but, frankly, my car works pretty well so I'm not scared to get in it and drive, Stivers said.

Q. Do you have any reason to doubt that you were properly quoted here?

A. I have no reason to doubt I was properly quoted.

Q. Okay. And then can you go on. This appears to be a continuation of the quote.

A. (Reading) Even though a lot has been written about how weirdly shaped the district is, it would be a very extraordinary circumstance if you were going from Richwood in northern Union County to Athens.

CONFIDENTIAL

Page 91

STEVEN STIVERS

Q. Do you have any reason to doubt that this -- do you have any reason to believe this quote is inaccurate?

A. I have no reason to believe it's inaccurate.

Q. Okay.

A. And the only context I would add is somebody has to represent everybody. The state of Ohio is a fixed size state, and so if my district gets more compact, somebody else's gets bigger, and still somebody is going to end up driving in their car. It's just a fact of life. And would I like to be the guy who didn't drive at that time, apparently, yeah. But it doesn't change the size and shape of the State of Ohio, and somebody has to drive to represent those small less populous counties that are further away.

So, you know, selfishly would I have liked to have a more competitive district, yes, but, somebody has to represent those folks, and I'm happy to do it.

(Exhibit 22 was marked for identification.)

Q. So my apologies for poor quality. This was a color map printed in black and white, which

CONFIDENTIAL

Page 92

STEVEN STIVERS

makes something that was hard to read already --

A. I could see it.

Q. -- harder to read. But it's merely a demonstrative. And this is the map of Ohio's Congressional Districts from 2002 to 2012. I just want to -- I think you said it before --

A. It's not correct.

Q. Okay. In what way?

A. This is the wrong map.

Q. What counties did you have in the 2002 to 2012 district?

A. Oh, maybe -- oh, it is. It is right. Union, Madison and Franklin, got it.

Q. Yes.

A. I thought it had Clark in mine, and I never had Clark County. You're right.

Q. It's the poor quality.

A. You're right, it's the poor quality. that is indeed the map that I was elected to in -- under in 2010, yes.

Q. And that's the only thing I wanted to establish on the record was what your prior district included.

A. That's it, Union, Madison, and the western

CONFIDENTIAL

Page 93

STEVEN STIVERS

half of Franklin, excluding Dublin.

(Exhibit 23 was marked for identification.)

THE WITNESS: We get color now.

Q. Yes.

A. You sprung for color.

Q. This is what gets to happen when you print them at your office versus printing at the hotel.

So I've handed to you a demonstrative that we have created of the current Ohio map, and it has your district --

A. Indeed.

Q. -- and an arrow pointing to where you live --

A. That is correct.

Q. -- in Franklin County in the 15th?

A. Yes.

Q. Okay. So we're just going to use this kind of as a reference point for the set of questions about your current district.

A. Okay. No problem.

Q. Now, you currently live in Upper Arlington, is that right?

A. I do. We moved to Upper Arlington in 2011.

CONFIDENTIAL

Page 94

1 STEVEN STIVERS

2 Q. And that's in Franklin County?

3 A. It is.

4 Q. And how often generally do you get home to  
5 Ohio?

6 A. Every weekend. So I'm here as soon as our  
7 last vote happens. I hop on a plane and I'm here.  
8 And I'm here with my constituents and doing meetings  
9 and seeing people until I take off. Like today, I'm  
10 leaving today on the 2 55 flight. Then I'll be back  
11 as soon as we're done with last votes.

12 Q. What's the largest population centers in  
13 your current district?

14 A. Franklin County is the largest county.  
15 Fairfield county is the second largest. Franklin  
16 County has -- let me see if I can remember -- about  
17 180,000 or 200,000 people. And Fairfield County has  
18 175,000 people. The rest of the counties are about  
19 50,000 or 60,000. Athens is 60,000. Pickaway is  
20 50,000. Clinton is 50,000. Madison is 50,000.  
21 Perry is 40,000. Morgan is about 10,000. Vinton is  
22 about 10,000. Hocking, I think, is about 30,000.  
23 Try those and add them up. 2,000 people in Fayette  
24 County. What did I miss? I don't know my exact  
25 number. Maybe about 10,000 thousand people in Ross

CONFIDENTIAL

Page 95

1 STEVEN STIVERS

2 County. Those are close. So that's my recollection  
3 at this point of about how many people live in each  
4 county. And they are close. They are probably  
5 rounding.

6 Q. Okay.

7 A. Might be a little heavier in Franklin.

8 Q. I'm sorry, how many people did you say  
9 were in Hocking?

10 A. I think it's about 40,000 in Hocking,  
11 30,000 or 40,000.

12 Q. Okay. And I'm not going to hold you to  
13 these numbers exactly correct.

14 A. But it gives you context.

15 MR. TUCKER: Off the record for one  
16 second.

17 THE WITNESS: I could use a rest room  
18 break.

19 MS. THOMAS: We can stop now. Let's take  
20 a break now.

21 THE WITNESS: Can we do a quick break?

22 MS. THOMAS: Let's take a ten minute  
23 break.

24 (Recess taken.)

25 Q. So we're back on the record discussing 23

CONFIDENTIAL

Page 96

STEVEN STIVERS

generally, but it's really about your current district.

A. Yes.

Q. So I don't believe I asked you this question.

A. I checked, by the way. Hocking County, has 30,000 people. 29,860, so we'll call it 30,000. I was close.

Q. So your district has eight whole counties, is that correct?

A. And four partial counties.

Q. And four partial counties, that was my next question.

A. Sorry. I'm going to wait on your questions, try not to jump the gun.

Q. Where are your offices in Ohio?

A. I have an office in Clinton County, down at the bottom left, in Wilmington. I have an office in Hilliard, in Franklin County; and I have an office in Fairfield County in Lancaster. But we also do mobile offices in every county about once a year.

And we travel to -- I get to every county frequently. And my staff gets to every county even more frequently than I do. There's somebody in every



CONFIDENTIAL

Page 97

STEVEN STIVERS

county from my staff every week.

Q. You said there's someone from your staff in every county once a week. And how often are you in every county?

A. A little less than once a month, but, you know, in that range. I've probably have only been to Athens County the furthest county in my district about seven times this year, so it's not fair to say once a month. But that is the furthest away and just the hardest to get to sometimes.

Q. You said you do mobile offices once a year, is that correct?

A. It's based on need or what we're seeing in the mail flow or the constituent case flow. Some we'll do more often, some less often. But usually that's the counties that don't have a physical office.

So we don't do that in Franklin, Fairfield or Clinton Counties, because they have a standing structure that's there everyday, 365 days a year, that is an office that is staffed everyday that people can come in to.

Q. Okay.

A. So I want to be clear what that is. It's

CONFIDENTIAL

Page 98

STEVEN STIVERS

not in all 12. It's in the ones that don't have a physical office.

Q. And so it's in nine of the --

A. Is that the right math? Yes, that is correct.

Q. You have 12 counties. I'm not great at math.

A. I did not know there was going to be math involved.

Q. I could do 12 minus three.

How did you decide where to place your offices, your permanent offices?

A. So when I inherited parts of my district, Steve Austria had an office in Lancaster, and we took that office. And Mike Turner had an office in Wilmington that he ran part-time, that we run full-time, that we took over. So it was mostly the fact that there were existing offices there. There were people that were used to having offices there. And when you shut those down, it becomes traumatic for those communities. So that's how we made the decision.

Q. And is there an office that you consider your main office?

CONFIDENTIAL

Page 99

STEVEN STIVERS

1  
2 A. We still consider Hilliard our main  
3 office, but the staffing, we have three people in  
4 Hilliard, we have three people in Lancaster, and one  
5 person in Wilmington. So we have seven district  
6 staffers. So sometimes somebody will go down and  
7 help out Sherry Stuckart in Wilmington, because she  
8 is only one person. But she has Wilmington College  
9 there. So we frequently have college interns there  
10 as well. And we're in the municipal building.

11 The city has been kind enough to let us be  
12 in there space so that we have a dedicated office  
13 inside city hall. That way there is security, there  
14 is cameras, there is deputies and all that so Sherry  
15 is not there alone.

16 Q. Okay. And are all of the offices open  
17 five days a week for normal business hours?

18 A. All of them are full-time offices open  
19 five days a week.

20 Q. Okay. How much time do you spend in each  
21 of your main offices -- each of your permanent  
22 offices?

23 A. I'll take meetings in all of my permanent  
24 offices. And I travel to the counties. So, like I  
25 said, I'm out in the counties. So I don't just sit

CONFIDENTIAL

Page 100

STEVEN STIVERS

in my office and wait for people to come to me.

The only time I'm in one of those three offices is when I have a meeting scheduled. So when I don't have a meeting scheduled, I'm traveling, doing tours, doing meetings in lunches with constituents and officials, and doing events in all the counties, too. So even when we're not in an office, that I'm still out and around in the 12 counties.

Q. Okay. And do you drive to all these different counties?

A. I do. It's just roads.

MS. THOMAS: I'm going to enter four exhibits at one time.

(Exhibits 24-27 were marked for identification.)

Q. So I've just had marked four exhibits, and they are very similar. And I'll stipulate to you that your district stays the same in all of them, which is why we're talking about them at once.

A. Okay. Got it.

Q. But other districts change around them.

A. Okay.

Q. So 24 is the first proposed remedial map by the plaintiffs in this case. 25 is an errata map.

CONFIDENTIAL

Page 101

1 STEVEN STIVERS

2 A. What is an errata map?

3 Q. That makes changes to other districts, but  
4 not your district.

5 A. Got it.

6 Q. And 26 is a hypothetical plan that was  
7 included in one of plaintiffs' expert reports.

8 Again, the district that you have in this first

9 hypothetical is the same as the other version. And

10 then 27 is another hypothetical map that was entered  
11 by plaintiffs' expert.

12 A. Okay.

13 Q. I've entered all of them for completeness.

14 But I think for the purposes of the question, since

15 your district stays the same, it's probably easiest

16 to look at 25. It's the easiest one to see where you

17 would be situated with Congresswoman Beatty.

18 A. Right.

19 MS. THOMAS: Whose district also looks the

20 same in all the maps, however, it does change

21 district numbers because of some of the other

22 districts changing.

23 MR. TUCKER: I'll put an objection on the  
24 record to lack of foundation for Exhibits 24 to 27.

25 MS. THOMAS: And I will will assert that

CONFIDENTIAL

Page 102

1 STEVEN STIVERS

2 all of these exhibits have been shared with your  
3 counsel as part of expert reports.

4 Q. So 25, again, this is a proposed remedial  
5 map. And I'm talking about the district that you  
6 would represent here. It has you in Franklin County.

7 A. Is this drawn under the 2011 population  
8 numbers or the current population numbers? It looks  
9 like it's drawn under the 2011 population numbers,  
10 which seems to violate one man, one vote, because  
11 today the districts have changed seven years' worth  
12 of population.

13 Q. This is not drawn under the 2011  
14 population. This is drawn under the -- the current  
15 population number.

16 A. It is, okay.

17 MS. THOMAS: Yes, it is.

18 MR. TUCKER: Again, objection to  
19 foundation. Go ahead.

20 Q. Okay. And so this is drawn under the  
21 current population numbers, and really the only  
22 difference between this map and the other map is some  
23 of the maps match incumbents in different ways. But  
24 your matching of incumbency hasn't changed, which is  
25 why your district doesn't change.

CONFIDENTIAL

Page 103

STEVEN STIVERS

A.               Yep.

Q.               In this proposed map, you would get the upper part of Franklin County, Delaware County and parts of Licking County?

A.               I do see that, yes.

Q.               You currently represent parts of Franklin County, this would give you different parts, is that correct?

A.               That's correct.

Q.               Have you represented parts of this county in the past?

A.               Only parts of it.   You have changed about 90 percent of my district, because you took Upper Arlington, Hilliard, and the west side that I currently represent, and put it with Delaware, Licking, Westerville, New Albany, Worthington, and Dublin, that I do not represent in Franklin County, and all of Delaware and most of Licking that I do not represent.

MR. TUCKER:   I guess, can I take a pause, I'm sorry.   Maybe I misunderstood.   Is the red dot where he lives supposed to be in the pink area of the 12th District, or the yellow area in the 3rd District.

CONFIDENTIAL

Page 104

1 STEVEN STIVERS

2 MS. THOMAS: The pink area in the 12th  
3 District. The blue dot is in the yellow area which  
4 is Beatty.

5 MR. TUCKER: Okay. Thank you.

6 Q. And the relationship, like I said, between  
7 you two stays the same in all of these maps. It's  
8 really things changing around you.

9 A. Okay.

10 Q. And my question to you is: As you sit  
11 here today can you think of any reasons why you  
12 couldn't represent Delaware County?

13 A. I see no reason why I couldn't represent  
14 any of these. The only thing I would say is that  
15 something like this imposed by judges would violate  
16 the constitutional way we create districts and would  
17 also disenfranchise voters who have a vested interest  
18 in me having been their congressman, and thinking I  
19 have a chance to be their congressman for the next  
20 four years, and the relationship that I have built up  
21 with those constituents, which is normally a ten-year  
22 relationship.

23 So, you know, I can represent anybody.  
24 The people in Delaware County or Licking County are  
25 great folks. I just think it would impair some



CONFIDENTIAL

Page 105

STEVEN STIVERS

voters who have built the relationship with me as their congressman.

While not 100 percent of my voters voted for me. 59 percent of the voters did, and they want me to be their congressman. And I think they would be harmed by that. Interesting districts, though.

MR. TUCKER: There's no question pending.

THE WITNESS: So the plaintiffs drew those maps?

MS. THOMAS: Yes.

(Exhibits 28-30 were marked for identification.)

Q. I've just had marked for the record Exhibit 28, 29 and 30.

A. Yes.

Q. And I'll state what they each are. 28 is the motion of Republican Congressional Delegation, Ohio Voters and Republican Party Organizations to intervene. 29 is the memorandum in support of that motion. And 30 is a reply brief further in support of the motion to intervene. So I think you can put 28 for now to the side, and we'll start with 29.

A. Okay.

Q. Which is the memorandum in support of the motion to intervene.

CONFIDENTIAL

Page 106

1 STEVEN STIVERS

2 A. Okay.

3 Q. Have you seen this document before?

4 A. I have been briefed on this document.  
5 I've not read the thing word for word.

6 Q. Do you understand that your attorneys  
7 filed this document on your behalf?

8 A. I do, and I asked them to.

9 Q. Okay. And you understand that in this  
10 document your attorneys make statements on your  
11 behalf?

12 A. Yes, I do.

13 Q. Okay. If you turn to Page 3.

14 A. Yep.

15 Q. I'm in the section titled The Proposed  
16 Intervenorors. Do you see that?

17 A. On Page 3? Oh, yes, I see it, yep.

18 Q. Okay. And the first sentence -- well,  
19 actually, could you read that first sentence for me.

20 A. (Reading) The intervenor applicants  
21 represent a diverse coalition of registered voters,  
22 county political parties, and congressional  
23 representatives, all whose interests will be directly  
24 impacted by the relief plaintiffs are pursuing in  
25 this action.

CONFIDENTIAL

Page 107

1 STEVEN STIVERS

2 Q. Okay. Do you understand that according to  
3 this definition that you just read, you were an  
4 intervenor applicant?

5 A. I believe, yes, I've asked to be, and I am  
6 an intervenor applicant.

7 Q. Okay. We're just kind of getting  
8 terminology set before I ask questions.

9 Then the next section refers to Member  
10 Intervenor applicants.

11 A. Yes, I've read it, the whole paragraph.

12 Q. Okay. It lists the incumbent  
13 representatives of Ohio and lists a number of  
14 districts including your district?

15 A. That is correct.

16 Q. Do you understand that you're, in addition  
17 to being an intervenor applicant, you're a member  
18 intervenor applicant?

19 A. I do.

20 Q. And then if you turn to Page 4 --

21 A. Yes.

22 Q. -- you're specifically named --

23 A. Bottom of the first paragraph.

24 Q. -- at the bottom of the first paragraph  
25 discussing the member applicants, do you see that?

CONFIDENTIAL

Page 108

1 STEVEN STIVERS

2 A. I do.

3 Q. Okay. If you could go back to Page 3,  
4 please.

5 A. Yes.

6 Q. I am in the second paragraph in the  
7 section of Proposed Intervenors.

8 A. Yes.

9 Q. Can you read the second sentence, They  
10 are?

11 A. (Reading) They are all members of the  
12 republican party, all registered voters in the  
13 district, and all intend to run for election as  
14 representative of those districts in 2018 and 2020.

15 Q. Is this statement true?

16 A. It is. I ran and won in 2018, and I'm  
17 already working for 2020.

18 Q. Okay. And I just want to be clear when I  
19 ask you questions about statements being true, I'm  
20 only asking as they pertain to you and am not asking  
21 you to speak on any of the other intervenors.

22 A. Thank you. I can't speak for anybody  
23 else.

24 MR. TUCKER: I was just going to ask you  
25 the same thing. Thank you for clarifying.

CONFIDENTIAL

Page 109

1 STEVEN STIVERS

2 Q. If you could turn to Page 9.

3 A. Yes.

4 Q. I'm at the bottom of that page. There is  
5 a sentence that begins As Numerous Courts?

6 A. Yes.

7 Q. And there is a legal sentence here, but  
8 there are underlying facts to that sentence. So I  
9 want to ask you about those underlying facts.

10 A. Okay.

11 Q. Can you read the sentence with the caveat  
12 that I'm not going to ask you anything about the  
13 legality of what is said in here?

14 A. Great, because I'm not a lawyer.

15 Q. Great.

16 A. (Reading) As numerous courts have  
17 recognized, elected members from a challenged  
18 district may intervene as a matter of right under  
19 Rule 24 due to, inter alia, there "personal interest"  
20 in their office, their interests in the timing and  
21 form of relief, and their continued incumbency.

22 Q. And the only amendment I would make is I  
23 think it says their continued --

24 A. Did I say -- okay, sorry.

25 Q. That's fine. So I think earlier you

CONFIDENTIAL

Page 110

STEVEN STIVERS

1  
2 mentioned your interest in this case. Do you  
3 consider yourself to have a personal interest in your  
4 district?

5 A. I am personally vested in the people I  
6 represent. I work hard everyday to provide  
7 constituent service, to correspond and communicate  
8 with my constituents. I've done 24 telephone town  
9 hall meetings over these last two years, about one a  
10 month. And I go to my district every week and meet  
11 with people. And they are my constituents, and I  
12 consider myself a servant leader, and I want to  
13 continue to serve them.

14 And if somebody is going to break the  
15 social contract that we all live under that says  
16 these are ten-year districts, I feel like I have a  
17 personal interest in that, because I want to  
18 represent the people that I've been representing.  
19 And, you know, obviously, they get a chance every two  
20 years to vote me in or vote me out, but I enjoy  
21 representing them, and I believe I have a personal  
22 interest in this case because I want to continue to  
23 represent them.

24 Q. Do you consider yourself to have a  
25 personal interest in your continued incumbency?

CONFIDENTIAL

Page 111

1 STEVEN STIVERS

2 A. Yes.

3 Q. Is that an interest that you considered  
4 yourself to have in 2011?

5 A. I believe so, yes.

6 Q. The difference was in 2011, there was a  
7 constitutional requirement to change the districts.

8 Q. If you could turn to Page 11, please.

9 A. Okay.

10 Q. I am in the full first sentence, if you  
11 could read that, beginning with in addition.

12 A. (Reading) In addition to those traditional  
13 reasons to prevent congressional intervention in  
14 redistricting cases, the member intervenor applicants  
15 have invested considerable time and money building  
16 coalitions of supporters in their districts, learning  
17 their districts, serving the needs of their  
18 constituents, raising and spending money on  
19 electioneering activities, among other activities.

20 Q. Do you agree that you've invested  
21 considerable time and money building coalitions of  
22 supporters in your district?

23 A. I do.

24 Q. Can you describe some of those activities?

25 A. I have over the last seven years, eight

CONFIDENTIAL

Page 112

STEVEN STIVERS

years -- let me think here -- I spent about \$11 million electioneering. I've worked to -- you know, worked on coalitions of faith-based folks. I've worked on coalitions of folks that are veterans and military. I've worked on and with coalitions of folks that care about bipartisanship and getting things done. I've worked on civility with Joyce Beatty, but built a coalition of people that care deeply about that in my district.

I've worked with folks on various issues that are important to this district, like, Buckeye Lake; like getting a grocery store in Vinton County that for four years had no grocery store in the whole county; like getting the water situation at Caesar's Lake in Clinton County worked out; like getting the Wayne National Forest down in Hocking and Athens County and Perry County to be more friendly to recreation.

All those issues are important to me. I've worked on them, and they are important to the people. And if this district gets broken up, we'll lose momentum on making things happen for those folks.

It's not like the new representative might



CONFIDENTIAL

Page 113

STEVEN STIVERS

not take up those causes to help people, but people are counting on me to help solve those problems large and small for them. And I take it very seriously and have a vested interest in doing that and continuing to do that. And if there is no requirement that there is a new district, that's the difference between now and 2011 or 2022 or '21.

Q. You've mentioned you've been involved in bipartisan activities. Can you describe some of those?

A. Whether it's going to forums -- I don't go to every one, but I go to the ones I can. And scheduling is very hard. We have a big district with 12 counties. Whether it's going to -- you know, just meetings with democrat and republican elected officials in every county, which I do elected official lunches in every county as frequently as I can. So we get together and talk about what matters to them.

And we do issues like the opioid crisis, which I've had -- the last eight years I've had a round table every year on that and pursued legislative action, which was bipartisan based on that. Almost every issue I've worked on, every

CONFIDENTIAL

Page 114

1 STEVEN STIVERS

2 bill -- I've passed five bills in the last two years,  
3 every single one has been bipartisan.

4 So almost every issue I've worked on, if  
5 it wasn't bipartisan, I worked to make it bipartisan  
6 so it can be, because that's important to me, and I  
7 think it's important to my constituents.

8 And I think I'm ranked the 37th most  
9 bipartisan member of congress by the Lugar Institute,  
10 named after Senator Lugar from Indiana.

11 Q. Have you ever been -- do you know -- have  
12 you ever been invited to a League of Women Voters  
13 Forum?

14 A. I have.

15 Q. Have you ever attended a League --

16 A. Sometimes I do, sometimes I don't, it  
17 depends on the schedule.

18 Q. When was the last one that you attended?

19 A. I don't know off the top of my head. I  
20 can get back to you on that.

21 Q. Do you know which was the last one you  
22 were invited to?

23 A. I don't know that either. But we did two  
24 bipartisan debates in my district in the last  
25 election. They were not hosted by the League of

CONFIDENTIAL

Page 115

STEVEN STIVERS

1  
2 Women Voters. They were hosted -- one in Athens  
3 County, the far reach in my district that I said is  
4 sometimes hard to get to. We did a debate there on  
5 purpose, because it's harder to get there with my  
6 opponent, by democratic opponent, hosted by Ohio  
7 University. That was a bipartisan event.

8 And we did one hosted in Columbus by the  
9 Columbus Metropolitan Club. Again, not the League of  
10 Women Voters, but a bipartisan group. And it was  
11 both my opponent and I at those, and we did two  
12 debates in the 2018 cycle.

13 Q. Do you know if you were invited to a  
14 League of Women Voters in 2018?

15 A. I don't know off the top of my head.

16 Q. Did you attend a League of Women Voters in  
17 2018?

18 A. I don't know off the top of my head. I've  
19 attended a lot of events.

20 MR. TUCKER: You have to try to let her  
21 finish her question for our court reporter's sake.

22 THE WITNESS: Okay, sorry.

23 Q. You mentioned that you spent \$11 million  
24 electioneering. Can you describe some of your  
25 electioneering activities?

CONFIDENTIAL

Page 116

1 STEVEN STIVERS

2 A. We do a lot of things. We do rallies. We  
3 do paid advertising in newspapers, in on-line  
4 advertising, digital advertising, and radio and TV.  
5 And we pay for door-to-door literature. We hire  
6 canvassers and have volunteers. And I go door to  
7 door. I've gone door to door every -- you know, not  
8 every time somebody has gone door to door, but almost  
9 every time.

10 Like I'm going door to door for my  
11 campaign -- I did it in 2018, probably 20 different  
12 times door to door. 2016, probably 20 or 30  
13 different times. And almost every cycle, you know,  
14 I'll go door to door frequently in the summer and  
15 fall like multiple days a week. And, of course, that  
16 figure was cumulative over 2012 to 2018. I just want  
17 to be clear.

18 Q. Fair enough. If you could read the  
19 sentence in that same paragraph, but it begins with  
20 in addition. I'm on Page 11.

21 A. Of which one?

22 Q. We're in Exhibit 29.

23 A. 29, Page 11. Sorry. Which paragraph?

24 Q. I'm in the first paragraph. I guess it's  
25 the last sentence in that first paragraph. It begins

CONFIDENTIAL

Page 117

STEVEN STIVERS

with in addition.

A. Every sentence begins with in addition.

Q. In addition, there is a possibility that...

A. (Reading) In addition, there is a possibility that, if a remedial plan is ordered in this case, the remedial plan could pair two or more of the members -- member intervenor applicants in the same district, which would impede their ability to run for their seats.

Q. Okay. Do you agree with that statement?

A. I believe that it is a big imposition if you end up having an incumbent on an incumbent race.

Q. Did you hold that opinion in 2011?

A. I did. The difference was it was required by every ten years decennial -- is that how you say that -- census and reapportionment and redistricting that is required. The difference is it doesn't need to happen now.

Q. Okay. You can put 29 to the side and we're going to go to 30.

A. Um-hum.

Q. If you could go to Page 7 of 30.

A. Okay.

CONFIDENTIAL

Page 118

STEVEN STIVERS

Q. Could you read the first two full sentences on Page 7.

A. First two full sentences starting with these fund raising or doing?

Q. Yes.

A. (Reading) Doing their job well requires unrelenting fundraising efforts that begin the day they are elected to office and continuing until they step down or are voted out. These fundraising efforts would be wasted if district lines were changed and a member was paired with another incumbent or moved from a favorable to an unfavorable district.

Q. Do you agree with the first sentence that you read?

A. I mean, I raised money. I don't know about unrelenting fundraising. I raise money -- I'm always working on it. Unrelenting makes it sound like that's all I do. It's a small part of what I do, but an important part of what I do, and I work hard at it.

I don't know if I like the word unrelenting. But, generally, it's true, I just don't like the connotation of unrelenting.

CONFIDENTIAL

Page 119

1 STEVEN STIVERS

2 Q. And the next sentence that you read, do  
3 you agree with that sentence?

4 A. I think that that is true, yes.

5 Q. Sorry. I have one more thing I want to  
6 ask you about 30.

7 A. Okay.

8 Q. All right. I'm on Page 10.

9 A. Page 10, okay.

10 Q. I'm in the second full paragraph.

11 A. Second full paragraph.

12 Q. And if you could read the second sentence  
13 in that second full paragraph.

14 A. Is that the one that starts but  
15 plaintiffs?

16 Q. Yes.

17 A. (Reading) But plaintiffs ignore the  
18 reality that redistricting is a zero-sum game.

19 Q. Do you agree that redistricting is  
20 zero-sum game?

21 MR. TUCKER: Objection.

22 A. I don't know -- it causes some  
23 speculation. I mean, you can't create new seats if  
24 that's what it means. I'm not sure I understand what  
25 a zero-sum game means. If you want to rephrase it.

CONFIDENTIAL

Page 120

1 STEVEN STIVERS

2 Q. I'm just asking what was presented by your  
3 attorneys on your behalf, and whether you agree with  
4 their statement on your behalf.

5 A. I agree that you can't create extra seats.  
6 Like you can't just say, oh, we want to have 17  
7 members of congress. We're going to create an extra  
8 seat. Is that is what it means, a zero-sum game,  
9 then yeah.

10 Q. Before I hand this exhibit --

11 A. I will say I think our attorneys are  
12 representing our interests. And I don't have any  
13 concerns with my representation whatsoever. So  
14 whether I agree with every word or get to edit it  
15 personally, doesn't matter. I think they are  
16 representing our interests.

17 MS. THOMAS: Before I mark this, I'll have  
18 two more exhibits, and I'm going to ask just some  
19 background questions.

20 Q. Did you recently have a position with the  
21 NRCC?

22 A. Yes.

23 Q. Okay. And what is the NRCC?

24 A. It's the National Republican Congressional  
25 Committee.



CONFIDENTIAL

Page 121

1 STEVEN STIVERS

2 Q. What do they do?

3 A. They attempt to elect more republican  
4 members of congress.

5 Q. And what was your position?

6 A. I was chairman.

7 Q. How long did you have that position?

8 A. For two years, from January of 2017 until  
9 December of 2018.

10 Q. Did you make statements in your position  
11 as chairman of the NRCC?

12 A. Yes.

13 (Exhibits 31 and 32 were marked for identification.)

14 Q. I have just handed you what is Plaintiff's  
15 Exhibit 31. This is a document that we downloaded  
16 from LexisNexis. I'll say for the record LexisNexis  
17 is a data base that attorneys use to get documents,  
18 including news articles. This is an article that we  
19 pulled from LexisNexis that originally appeared in  
20 the Huffington Post. It is dated January 30th, 2018.  
21 And the headline is Top Republican Admits  
22 Gerrymandering Could Help GOP Keep Control of the  
23 House.

24 So according to the article, you gave an  
25 interview with Politico's Off Message podcast. Do you

CONFIDENTIAL

Page 122

STEVEN STIVERS

recall giving an interview with the Off Message podcast?

A. I kind of remember it. I want to be clear. I never spoke to Sam Levine. And I take a lot of exception with things that are in this article. I never spoke to this reporter whatsoever. And he takes a lot of my information either out of context or absolutely just says it wrong.

Q. Okay. Fair enough. I'm going to ask you just one statement that he purports to quote directly from the podcast, and you can tell me if it's an incorrect quote. It's the highlighted text that I have highlighted just for the ease of reference. If you could read that statement for me.

A. (Reading) After the redistricting in 2011, a lot of districts were shored up substantially and that makes a difference. It doesn't change the number of your majority, but changes the composition of each district and gets people a little bit more comfortable, stivers said.

Q. Okay. Do you dispute that this was a statement that you made?

A. I don't dispute --

MR. TUCKER: Just let me object to

CONFIDENTIAL

Page 123

STEVEN STIVERS

foundation. Go ahead.

A. I don't dispute that I said something close to this. I think I'm literally misquoted in here. But I think they added a lot of context that is just not fair.

It is true, as I've said to you earlier in the deposition, that the indexes of a district matter. But what also matters is how many incumbents do you have versus retirements, how much do people fundraise, do the democrats raise more, do the republicans raise more, how hard do people work on that, how hard do they work their district, how hard do they build coalitions.

There are a lot of things that go into competitiveness, and redistricting is one factor that that I mentioned in the podcast, and it was taken by this reporter and a couple other reporters and made to seem like it was the only thing I was saying.

So I think it's really important to context around there are a lot of things that make districts competitive. And, yes, the partisan voting index is one of them, but it's one of five or six or ten factors that matter. It's not a sole determinant.

CONFIDENTIAL

Page 124

STEVEN STIVERS

If it was a sole determinant, Mia Love wouldn't have lost an R plus 15 this year, you know, because the average republican wins by 15 points. That's a great example of, you know, a district like that. There's R plus 13 in Oklahoma that Steve Russell lost. And why did he lose it? Well, it wasn't because of the index. It was because of other factors.

So there's always other factors that are important. And you can't just take one factor out of context and say it's the sole determinant of elections.

(Exhibit 32 was marked for identification.)

Q. For the record, 32 is an article from Breitbart News. And it's titled Exclusive-New NRCC Chairman Representative Steve Stivers Shares a Plan to Win Again in 2018 and 2020; do you see that?

A. Yes.

Q. Do you know Breitbart News?

A. I know who they are. I don't know if I actually -- I remember this running, and I was surprised they called it an exclusive, because I don't know that I actually talked to this reporter. I think he got things from other places, and then

CONFIDENTIAL

Page 125

1 STEVEN STIVERS

2 called it an exclusive.

3 Q. Okay. At the time --

4 A. But I remember the article.

5 Q. You remember the article. Did you do  
6 anything to dispute the article when it came out?

7 A. No, no. I don't think he directly  
8 misquoted me, but the fact that he called it an  
9 exclusive was kind of weird.

10 Q. All right. I'm on the last page?

11 A. Okay.

12 Q. It seems as though you remember the  
13 article --

14 A. I'm looking at it, yep.

15 Q. I'm only going to ask you questions about  
16 the very end.

17 A. Okay. I've looked at it.

18 Q. Okay. If you could read the second to  
19 last paragraph.

20 A. The Stivers Plan?

21 Q. Yes.

22 A. (Reading) The Stivers plan includes a  
23 special patriot program for supporting members in  
24 primaries, creating a National Finance Committee to  
25 lift the burden of fundraising off the members,

CONFIDENTIAL

Page 126

STEVEN STIVERS

recruiting a network of volunteers to staff campaigns and looking forward to the redistricting in states to make sure republicans are not manipulated into majority democratic districts, he said.

Q. And the only amendment I would make to that is I think it's supporting incumbents in primaries.

A. Yes, incumbents. Did I say -- it's only incumbents, sorry. It should be incumbents in primaries. Sorry.

Q. This particular paragraph does not purport to directly quote you.

A. Okay.

Q. Do you agree with the statement in this paragraph?

MR. TUCKER: Objection, lack of foundation.

A. I don't know -- some of those things are certainly things I talked a lot about during my campaign to become the chairman of the National Republican Congressional Committee.

Q. Was one of the things you talked a lot about supporting incumbents in primaries?

A. Yes.

CONFIDENTIAL

Page 127

1 STEVEN STIVERS

2 Q. Was another thing that you talked about

3 looking forward to redistricting in states?

4 A. You know, I probably said we needed to

5 make sure we didn't get left behind. Because there

6 were a lot of efforts on the democratic side, Eric

7 Holder and others raising millions of dollars on

8 redistricting efforts in the states, yes. I'm sure I

9 mentioned it as one of the things.

10 Q. If you could read that next paragraph,  
11 please.

12 A. (Reading) We have the 2018 and '20 cycles  
13 to win state legislatures and hold some state  
14 legislatures to make sure that the map that is drawn  
15 in 2021 is as good as it can be for us, the  
16 congressman said. Frankly, that important shaping of  
17 the battlefield has to start now.

18 Q. Putting aside whether this was a direct  
19 quote to you or not, do you agree with this  
20 statement?

21 A. I think that who wins state legislative  
22 seats ahead of reapportionment in states where the  
23 state legislatures draw the lines matters, yes. Some  
24 states use a commission form, some states do other  
25 line drawing systems. But the majority of the states

CONFIDENTIAL

Page 128

STEVEN STIVERS

have state legislatures drawing the lines as the constitution states.

Q. And as you look at this statement that purports to be a quote, do you doubt that it's a quote to you?

A. I don't doubt it's a quote.

MR. TUCKER: Objection, lack of foundation.

A. I don't know if it's a quote or not. Let me say that. I don't know if it's a quote. I'm not sure.

Q. Okay.

A. I don't remember talking to the reporter, which is why I think -- that's why I don't see how he could get a direct quote that I quoted it to him. I'm not saying he didn't find it somewhere else, like the other article you showed me. I never talked to that reporter at all, but he pulled quotes out of a podcast. So I don't know where this guy got the stuff. But he could. I'm not sure.

Q. Okay. If you could look back at Exhibit 18.

A. 18, yeah. Okay.

Q. In Exhibit 18, you're asked for a quote,



CONFIDENTIAL

Page 129

1 STEVEN STIVERS

2 and you work on a quote with Courtney Whetstone.

3 A. Whetstone, um-hum.

4 Q. Whetstone. Sorry. Does she ever send  
5 quotes to reporters on your behalf?

6 A. She does sometimes, and I would approve  
7 those.

8 Q. Okay. I'm just going to ask you some  
9 questions about people not tied to any documents, and  
10 then I'll be done, I think, for the day.

11 A. Okay.

12 Q. Do you know Tom Niehaus?

13 A. I do.

14 Q. Who is Tom Niehaus?

15 A. Tom Niehaus is a former state senator, a  
16 former president of the senate and has been a family  
17 friend for 20 years or 30 years.

18 Q. Do you know what role he played in  
19 redistricting?

20 A. He was president of the state senate at  
21 the time.

22 Q. Did you talk to him at the time about  
23 redistricting?

24 A. Tom Niehaus is a family friend and the  
25 leader of the state senate, and I talk to him about a

CONFIDENTIAL

Page 130

1 STEVEN STIVERS

2 lot of different things. It's possible I talked to  
3 him about redistricting, but I don't remember.

4 Q. Okay.

5 A. But I talk to him a lot about a lot of  
6 things.

7 Q. Okay. Do you know Bill Batchelder?

8 A. Bill Batchelder, yes, I do.

9 Q. Who is he?

10 A. He was the speaker of the house at the  
11 time of redistricting and a long time state  
12 representative.

13 Q. How do you know him?

14 A. We served together. He was in the house  
15 when I was in the senate.

16 Q. And did you ever talk to him about  
17 redistricting?

18 A. I don't believe so.

19 Q. Did you know Bob Bennett?

20 A. I did know Bob Bennett.

21 Q. Who is Bob Bennett?

22 A. He was former chairman of the Ohio  
23 Republican Party.

24 Q. And how did you know Bob Bennett?

25 A. As the chairman of the State Republican

CONFIDENTIAL

Page 131

STEVEN STIVERS

Party.

Q. Do you know if he had any involvement in Ohio's redistricting?

A. I don't know if he had any involvement in Ohio's redistricting.

Q. Did you have any conversations with him about Ohio's redistricting?

A. I don't believe I had conversations with him, no.

Q. Do you know Heather Blessing who at the time was Heather Mann?

A. I know who she is vaguely. She was a house staffer.

Q. Okay. Did you -- do you know if she had any involvement in redistricting?

A. I don't know what her -- I've seen her in your pleadings, but I don't know what her involvement is. I don't know her very well, so I don't know what her involvement was.

Q. Did you know Tom Hofeller?

A. I don't even know who is that is. Can you spell it.

Q. H O F E L L E R.

A. Nope, I don't know who that is. Sorry.

CONFIDENTIAL

Page 132

1 STEVEN STIVERS

2 No, I don't know who that is.

3 Q. Do you know Mark Braden?

4 A. I do.

5 Q. Who is that?

6 A. Mark is one of the attorneys in this case.  
7 He's also been my campaign attorney on other matters  
8 on and off whenever I need a campaign attorney.

9 Q. Do you know if he had any involvement in  
10 the redistricting process?

11 A. I do not know what his involvement in  
12 redistricting was.

13 Q. Do you know John Morgan?;

14 A. I don't think I do.

15 Q. Okay. Do you know Adam Kinkaid?

16 A. I know who Adam Kinkaid is.

17 Q. Who is he?

18 A. He was a staffer at the National  
19 Republican Congressional Committee.

20 Q. Okay. Did you know him at the time?

21 A. I knew who he was at the time. I'm not  
22 like friendly with him, but I know who he is.

23 Q. Do you know if he had any involvement in  
24 redistricting?

25 A. I don't know what his involvement in

CONFIDENTIAL

Page 133

STEVEN STIVERS

redistricting was.

Q. Did you have any conversations with him about redistricting?

A. I did not.

Q. Do you know Ed Gillespie?

A. I know who Ed Gillespie is, but we're not -- we don't like -- I only know from like seeing press reports of him running for governor and senator in Virginia and being the former chairman of the National Republican -- National Republican Committee, but I don't know him personally.

Q. Okay. In 2011, had you ever heard of Project Red Map?

A. No.

MS. THOMAS: I have no further questions at this time reserving in case --

MR. TUCKER: Sure.

Thank you, Congressman. I have just a couple follow-up questions for you.

- - -

EXAMINATION

BY MR. TUCKER:

Q. We talked a little bit about the constituency services that you provide in your

CONFIDENTIAL

Page 134

STEVEN STIVERS

district. Does that also include responding to questions, inquiries or demands from constituents?

A. Yes. Over the last few years, we've responded to 300,000 letters and emails that have come to our office. We've had serviced about 4,200 constituent claims, like a passport or a veteran's administration case or Social Security or Medicare or health care or anything involving the greater government umbrella that people might have issues with.

Q. So sometimes you receive inquiries or questions from constituents by email?

A. Everyday.

Q. And --

A. The vast majority of those 300,000 correspondence

MR. TUCKER: I don't have any further questions.

MS. THOMAS: I don't have any further questions.

(Signature not waived.)

- - -

DEPOSITION CONCLUDED AT 12:50 P.M.

- - -

CONFIDENTIAL

ERRATA SHEET

PLEASE DO NOT WRITE ON THE TRANSCRIPT

Any changes to the transcript in form or substance should be entered upon this errata sheet.


Case Name:

Deposition Date:

Deponent:

<u>PAGE</u>	<u>LINE</u>	<u>CORRECTION</u>	<u>REASON</u>
Page 8	Line 9	Remove the word "the"	
Page 20	Line 6	Remove the word "the"	
Page 25	Line 16	Change "rep" to "senator"	
Page 38	Line 19	Change "sensor" to "senator"	
Page 73	Line 24	Remove the word "ing"	
Page 80	Line 17	"Potentionallyly" should be "Potentially"	
Page 88	Line 14	Change "references" to "reference"	
Page 91	Line 20	Change "competitive" to "compact"	
Page 99	Line 12	Change "there" to "their"	
Page 111	Lines 6-7	This should be changed from a question to an answer	
Page 115	Line 6	Change "by" to "my"	

Date: Jan 23, 2019

Signature:   
Steven Stivers

Subscribed and sworn before me this 23<sup>rd</sup> day of January, 2019.



Michael J. Orrick  
Notary Public, District of Columbia  
My Commission Expires 4/30/2023

My Commission Expires: \_\_\_\_\_



CONFIDENTIAL

Page 136

STEVEN STIVERS

CERTIFICATE

State of Ohio :

SS:

County of Franklin:

I, Jackie Olexa White, Notary Public in and for the State of Ohio, duly commissioned and qualified, certify that the within named STEVEN STIVERS was by me duly sworn to testify to the whole truth in the cause aforesaid; that the testimony was taken down by me in stenotypy in the presence of said witness, afterwards transcribed upon a computer; that the foregoing is a true and correct transcript of the testimony given by said witness taken at the time and place in the foregoing caption specified.

I certify that I am not a relative, employee, or attorney of any of the parties hereto, or of any attorney or counsel employed by the parties, or financially interested in the action.

IN WITNESS WHEREOF, I have set my hand and affixed my seal of office at Columbus, Ohio, on this 31st day of December, 2018.

---

JACKIE OLEXA WHITE, Notary Public  
in and for the State of Ohio  
and RPR-CM.

My Commission expires January 21, 2019.